



# DEMOCRATIC GOVERNMENTS IN EUROPE

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THOMAS NELSON AND SONS  
NEW YORK

1935

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PRINTED IN THE UNITED STATES OF AMERICA

## INTRODUCTION

It is the purpose of the present volume to describe and analyze the leading democracies of Europe, just as *New Governments in Europe* analyzed the course of the post-war dictatorships. The major part of this book deals with responsible government as it exists in England and in France. A chapter is devoted to Switzerland, which represents still a different method of democratic rule. Here the government is dominated by a commission form of government having greater permanence even than the American executive, but being as responsible to the legislature as the French or British cabinet. The volume, in short, pictures the working of three different types of democracy. A further volume, written by Professors Schuyler Wallace and Arthur Macmahon of Columbia will describe the presidential system of democracy as found in the United States and as affected by the New Deal. The series as a whole should admirably serve the needs of classes in comparative government, whether American or European, and should also serve to enlighten the general reader.

In the present volume Professors Chase and Valeur have done something more than produce a conventional textbook. They have made an authoritative and well-written contribution to our knowledge of the British and French parliamentary systems. Both authors show how the machinery of democracy has attempted to adapt itself to the growing technological demands of the time and how this machinery has



## INTRODUCTION

sought to reconcile the necessity of expert administration with the demand for responsible government. The method of handling the subject differs with each author; but what has been lost by way of uniformity has been more than gained in interest and individuality. Those who have misgivings as to the future of democracy should not form their opinions until after they have read these scholarly and interesting accounts of how the leading democracies of Europe function in practice.

RAYMOND LESLIE BUELL

*January 31, 1935*

## CONTENTS

### FRENCH GOVERNMENT AND POLITICS

By Robert Valeur

CHAPTER	PAGE
<i>I. The Constitution of 1875 . . . . .</i>	261
<i>II. The Executive Power . . . . .</i>	289
<i>III. The Legislative Power . . . . .</i>	390
<i>IV. The Judicial System . . . . .</i>	441
<i>V. Behind the Stage of French Politics . . . . .</i>	456
<i>VI. The Present Difficulties and the Future of the French Parliamentary System . . . . .</i>	524

### SWISS DEMOCRACY

By Raymond Leslie Buell

<i>I. The Government of Switzerland . . . . .</i>	557
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# FRENCH GOVERNMENT AND POLITICS

## CHAPTER I

### THE CONSTITUTION OF 1875

FRANCE prides herself on being the first country in Europe to have reached political unity. Nevertheless, it now lives under a system of government which has been in existence for a much shorter period of time than the one which obtains in the so-called young Republic of the United States. For the French system of government is less than sixty years old: it has its charter in the Constitution of 1875.

The fact, however, that France is an old nation, inhabited by an old race and endowed with an old civilization, is evidenced by a study of her seemingly young political organization. For France's republican structure is permeated to the core by institutions coming from a remote monarchic past. Successive revolutions in 1789, 1830, 1848, and 1870 were unable, in spite of all their guillotining, street shooting and banishing, to lay the ground sufficiently bare for the erection of an entirely new political edifice as alien to the royalist and imperial régimes of the past as the U.S.S.R. is to the Russia of the Czars. As is often said, "France is a country with the forms of a republic, the institutions of a monarchy, and the spirit of an empire."

Truly, the same formula might apply as well to

Great Britain. For one might say conversely that "Great Britain is a country with the forms of a monarchy, the institutions of a republic and the spirit of an empire." But in Great Britain's case the disappearance of absolute monarchy and its replacement by the principle of ministerial responsibility to Parliament took place progressively after nearly two centuries of struggle. As a result, the British republican institutions and monarchic forms of government have been so harmoniously blended that it hardly seems strange to loyal Britishers that their Socialist prime minister should attend court gatherings at Buckingham Palace in silk stockings and knee breeches.

In France, on the contrary, the process of republicanization which started in 1789 was brutally stopped ten years later when Bonaparte established himself as absolute ruler. The Consulate, the First Empire, the Restoration and July Governments, and then the military dictatorship of the Second Empire would have meant an unbroken seventy-year reaction against political liberalism but for the short-lived Second Republic.

The establishment of a republic was further hindered by the Industrial Revolution which coincided with France's Great Revolution. While Great Britain, during the seventeenth and eighteenth centuries, could concentrate upon the strictly political problems involved in the organization of parliamentary government, France, even after the Revolution of 1789, had to deal both with the building of a new political system and the reorganization of her society. Her nineteenth-century struggle for democracy was hampered at every step by the rising plutocracy. As the keen French philosopher Alain

writes: "There are three powers in France, the people, the rich, and the civil servants."<sup>1</sup> Since the civil servants represent the autocratic tradition of the Old Régime, Alain's statement shows clearly which are the three conflicting currents in the French political-social turmoil: democracy-plutocracy - autocracy.

Finally, to make things worse, the Constitution of 1875, which laid the legal foundation of the Third Republic, was drafted by the so-called "National Assembly" elected by the French people in 1871, an Assembly which had been denied the legal power to make any constitution at all, and which moreover had a majority of monarchists.

This early period of the Third Republic has had such a tremendous influence upon its later life that it must be studied in some detail.

It can be divided into three stages: (1) The Government of National Defense, September 4, 1870, date of the overthrow of the Empire, to February 12, 1871, date of the meeting of the National Assembly in Bordeaux. (2) Thiers' dictatorship, February 12, 1871, to May 24, 1873, date at which he was forced to resign. (3) Mac-Mahon's presidency, May 24, 1873, to the vote of the Constitution between February and November, 1875.

#### THE GOVERNMENT OF NATIONAL DEFENSE

The Second Empire, in spite of all its dynastic pretense, was nothing but a personal dictatorship supported by the army. When, on September 2, 1870, Napoleon III capitulated at Sedan with eighty thousand men, while his only other army under Bazaine

<sup>1</sup> Alain, *Eléments d'une doctrine radicale*, Paris, 1925, p. 33.

was being encircled in Metz, the whole imperial régime collapsed. Empress Eugénie, much hated by the French people for her Spanish catholicity and her feminine frivolity, made a futile attempt to maintain her position as regent.<sup>2</sup> A mob of several thousand people gathered around the Tuileries when the news of the Sedan disaster reached Paris on September 3. The empress had to make a hazardous flight to England with the help of her American dentist. The mob then moved to the City Hall where a provisional government was organized, consisting of the deputies of Paris<sup>3</sup> under the presidency of the military governor of the capital, General Trochu, who enjoyed much prestige with the people and the army.

This provisional government proclaimed its republican character in the declaration of September 4, which read: "The Republic has conquered the invasion in 1792; the Republic is proclaimed." Thus was the republican form of government closely linked to the continuation of the war. Gambetta was the organizer of a gallant but vain resistance against the invading Germans. When Paris was besieged, he left the capital in a balloon to head a "delegation" of the Government for National Defense which had its seat in Tours and later in Bordeaux.

<sup>2</sup> As a matter of fact, the Imperial Constitution of July 17, 1856, did not provide for a regency in any other case but the case of minority. When Napoleon III went to the front he only gave the empress a delegation of power, which was made void by the emperor's captivity, for it did not provide for such an emergency. The empress, helped by the War Minister, Count de Palikao, proposed to ask the *Corps Législatif* for the constitution of a provisional government that she would head. But events moved faster than Eugénie.

<sup>3</sup> They were: Arago, Jules Favre, Jules Ferry, Gambetta, Garnier-Pagès, Glais-Bizoin, Pelletan, Picard, Jules Simon, Rochefort.

This delegation acted as the absolute ruler of that part of France which was not occupied by the enemy.

Once more since the Great Revolution, Paris had overthrown a political régime and organized a national government consisting exclusively of Parisian deputies. The whole country accepted this rule without resistance, even after the capital had been completely encircled by the German armies. Jules Favre, Minister of Foreign Affairs in the Provisional Government, went to the German headquarters to ask for a truce during the election of a national assembly which would have given France a truly national government. He received this blunt answer from Bismarck. "We have no concern with the form of your government."<sup>4</sup> The Provisional Government had no other course left but to carry on.

Jules Favre concluded an armistice on January 28, 1871. But it was clear that Germany, now that the hostilities were at an end, would not sign a peace treaty with a government which did not represent France. Consequently, the Provisional Government agreed at the Armistice Convention to call for general elections to be held on February 8 with the purpose of appointing "a freely elected assembly which would pronounce itself upon the question whether war should be continued or under what conditions peace should be made."

It was sometimes argued on the basis of these words as used in the armistice agreement that the National Assembly thus elected had no power to draft a constitution. True, the armistice agreement did not provide for the election of an assembly en-

<sup>4</sup> Quoted by Emil Ludwig, *Bismarck, The Story of a Fighter*, American edition, New York, 1930, p. 355.



dowed with the power to determine the governmental system to be applied to France, but merely for the election of an assembly which would decide upon war or peace. Yet it cannot be denied that Germany, at the time of the armistice, could not interfere with the internal affairs of France to the extent of imposing on her the drafting of a constitution. The failure of the armistice agreement to provide for the election of a constituent body does not imply that the National Assembly elected in accordance with its terms had no constitutional capacity.

In fact, as early as the eighth of September, 1870, the Provisional Government had issued a proclamation followed by a decree calling for general elections to be held on the sixteenth of October for the purpose of appointing an *Assemblée Nationale Constituante*, the last word indicating the purpose of such a body. The German invasion stood in the way of these elections and a second decree of September twenty-third adjourned the elections until "circumstances should permit them." It cannot be denied that such circumstances are to be found in the January armistice and that the National Assembly elected in February had implicitly the power to draft a constitution.

There is little doubt, though, that the question of a new constitution occupied a negligible place, if any, in the minds of these electors who went to the polls on the eighth of February, 1871. In forty-three departments representing one-half of the national territory, the postal service was under the control of the Germans who had to be relied upon for sending the summons to the electors. To these electors, war with Prussia was the paramount problem to be

dealt with, and the question of its continuation or of the terms of a peace settlement were the only fundamental issues upon which they actually voted. Under those conditions, "the questions of constitutional organization or even of governmental principles had very little importance in the electoral struggle."<sup>5</sup>

The National Assembly had its first meeting on the twelfth of February, 1871, at Bordeaux, in the beautiful theater built by Gabriel in the eighteenth century. The Provisional Government resigned to make place for a regularly appointed government. This was the logical end of Gambetta's rule.

#### THIERS' DICTATORSHIP

Gambetta could not even expect to receive a reward for his outstanding war service. He was not to have any real influence upon the government by the National Assembly. In fact, the man who during the "terrible year" had been the incarnation of France's faith in her power of resistance was elected in only nine departments.<sup>6</sup> Unlike the Republic of 1792, the Republic of September, 1870, had not "conquered the invasion." As a result, the republicans were defeated at the polls of February, 1871. The republican candidates had as their platform the continuation of the war to the end, hence their nickname of *jusqu'aboutistes*. The conservative candidates wanted peace: their opponents called them *défaitistes*. But the majority of the nation were discouraged and voted *en masse* for the conservatives,

<sup>5</sup> Joseph-Barthélemy and Paul Duez, *Traité de droit constitutionnel*, Paris, 1933, p. 10. Cf. A. Esmein, *Éléments de droit constitutionnel français et comparé*, 8th ed., Paris, 1928, Vol. II, pp. 4-6.

<sup>6</sup> For these elections to the National Assembly, the same man could be elected in several constituencies.

although they did not necessarily share the social, political, and religious ideas of their nominees.

Out of 768 members in the National Assembly (they were reduced to 738 after the deputies from Alsace-Lorraine had left) 450 deputies belonged to the conservative right. Among these there were 200 noblemen and 3 priests.

Most of the newly elected deputies had no experience with public affairs because, during the eighteen years of the Second Empire, they had passively opposed the régime. They had been elected on account of the social and economic position they occupied in their respective electoral districts. Their opponents named them the "rural" deputies. Most of them proved very mediocre and those who became leaders were generally the few veterans of the political struggles of the previous régimes.

The majority in the National Assembly were in favor of a constitutional monarchy with a parliament and some sort of a cabinet government. Yet it is the same National Assembly which finally gave France the republican constitution which has endured to this day. This strange situation had so much bearing on the subsequent life of the Third Republic that it calls for a close analysis.

The conservative historians of this period have given an *après-coup* explanation for this astounding phenomenon: a monarchic assembly which organized a republic. They contend that, immediately after the war, it was best to impose the responsibility of the disastrous Frankfort peace on a republic. Popular resentment would necessarily follow the government's assent to the surrender of two provinces and to the occupation of half of the country by the German armies until a tremendous war tribute

should be paid. It was better to let the Republic incur the wrath of the people and to proceed later with the restoration of a monarchy.<sup>7</sup>

The truth of the matter is that the monarchic majority of the Assembly was split into three groups, each of which was supporting its own candidate to the throne. The *légitimistes* who supported the candidacy of Count de Chambord, grandson of Charles X, the heir of the elder branch of the Bourbons, formed the largest group. Next came the *orléanistes*, supporters of Count de Paris, grandson of Louis-Philippe, and finally a small group of *bonapartistes*, supporters of the exiled Napoleon III and, after the latter's death, of his son the Imperial Prince.

None of these groups had the absolute majority needed to impose a candidate on the Assembly, and consequently a compromise became necessary. The combined forces of the two royalist groups would have mustered a majority for, at the beginning, there were only seven bonapartist deputies. But it was only in the summer of 1873 that the *orléanistes* agreed to support the *légitimiste* candidate. In the meantime some sort of government had to be organized to conclude the peace, to put an end to the German occupation, and to bring back economic prosperity.

Towering high above the mediocrities of the National Assembly was the personality of Adolphe Thiers, who had been elected in twenty-six departments. As Louis-Philippe's prime minister he had learned all the tricks of the parliamentary game. During the war he had won the gratitude of his

<sup>7</sup> Cf. Haussouville, "Souvenirs," *Revue des Deux Mondes*, October 19, 1924.

fellow-citizens through a good-will tour of the European capitals, undertaken with the hope of getting foreign powers to intercede in favor of France. Although he had failed to accomplish his purpose, he had proved his diplomatic ability, a quality which was to be very much in demand in view of the coming peace negotiations with Germany. It was both for his statesmanship and his diplomacy that Thiers, through the resolution passed on February 17, 1871, was appointed by the National Assembly "Chief of the Executive Power of the French Republic." He was to appoint his own cabinet with the help of which he was to govern "under the authority of the National Assembly."

Thiers was responsible to the Assembly. Yet so great was his prestige that his rule was dictatorial. The Assembly was in favor of administrative decentralization. Thiers made it vote the Act of April 14, 1871, for centralization. The Assembly was for free trade but Thiers forced upon it a protective-tariff bill.

Thiers, furthermore, retained his deputy's privilege to address the Assembly. His persuasive eloquence, his cold logic, won him many a debate.

Finally, Thiers adroitly threatened to resign as a weapon to win his point in the Assembly. He was so indispensable to the peace negotiations that the Assembly preferred to yield to him on secondary issues than to do without him at Frankfort.

Although the expression "French Republic" was used in the resolution of February seventeenth appointing Thiers, no general statement was made as to the form of government to be given to the country. It was made clear in the pact of "Sacred Union" voted on February nineteenth, and known as Pact

of Bordeaux, that the settlement of this question was to be postponed until after the territory should be freed from the enemy.

On March twentieth, the National Assembly moved to Versailles at the very moment the Commune insurrection had broken out in Paris. Although orthodox Marxists regard this movement as the first Communist uprising, its purpose was more political than social, as it aimed to organize France into a federal republic in which the political unit should be the commune. The insurrection was put down in May after a second siege of Paris conducted with provincial troops. For the first time in the revolutionary annals of France, Paris failed to carry away the provinces.

Meanwhile, much progress was being made toward the settlement of the peace. Thiers began to appear less indispensable. The Assembly was tired of his control, especially of his insistence upon the organization of a moderate republican government.

The Assembly, therefore, passed two constitutional laws, the ultimate result of which was to force Thiers' resignation.

The *Rivet Law* of August 31, 1871, had four main provisions: (1) The Chief of the Executive Power assumes the title of President of the French Republic. (2) His powers will last as long as the Assembly's. (3) A council of ministers is created which is responsible to the Assembly. (4) The President of the Republic acts under the authority of and is responsible to the Assembly.

This law is full of contradictions. Thiers' powers were to last as long as the Assembly's, but, since he was at the same time responsible to this Assembly, he might well be overthrown by an adverse vote

before the Assembly itself reached the end of its mandate. Yet Thiers' responsibility before the Assembly could not be engaged as easily as was formerly the case—that is to say, for any act of government. The council of ministers was responsible for every one of their activities, but the president could not be overthrown except in case of a disagreement with the Assembly on a matter of "general policy."

This strange law, which in theory greatly increased the powers of Thiers, actually diminished the strength of his position. Thiers had become responsible only in exceptional cases. He could no longer, at every turn, threaten the Assembly with his resignation.

Yet this law, which was designed to undermine Thiers' dictatorship, did not in fact alter the situation. Thiers continued to dominate the Assembly as virtual dictator.

The Assembly grew more and more impatient at this yoke and voted the "Broglie Constitution" of March 13, 1873, which was directed against Thiers. This law forbade the president to address the Assembly except at the specific request of the Council of Ministers for a special permission, granted only in case of a forthcoming parliamentary debate bearing on general governmental policies. After the president's address, the Assembly had to adjourn and the debate could not be resumed until a later meeting. This postponement was intended to weaken the effect produced upon the Assembly by Thiers' eloquence.

"Thiers loved power, not honors."<sup>8</sup> Although the Broglie Constitution was a definite step toward the

<sup>8</sup> Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 17.

traditional system of parliamentary government, in the sense that it increased the separation between the executive and the legislative power, it did not prevent Thiers from repeatedly playing with his responsibility so as to have his own way. As Clémenceau in 1919, Thiers was not the indispensable man any longer. The country had been freed from the German troops of occupation and the president angered the Assembly by calling himself the territory's liberator, thus claiming the exclusive credit for this achievement.

Now that the immediate problem left by the war had been solved, the conservative majority in the Assembly wanted to restore the monarchy. But Thiers, although he had been prime minister under Louis-Philippe, favored a republican form of government, provided it be very conservative and he, Thiers, be its president.

In the meantime, conservative candidates were defeated in the partial elections held for filling the seats of deceased members of the Assembly. Thiers was held responsible for this republican landslide.

Repeatedly attacked in the Assembly, he was granted the permission to address it on May 24, 1873, on the subject of his general policies. In an eloquent speech which lasted two hours he advocated a conservative program, but within the framework of a republic, because "there was only one throne which three men could not occupy."

The Assembly then adjourned until the following day when, by 360 votes against 334, it passed a motion demanding a "resolutely conservative policy." On the evening of the same day, Thiers sent in his resignation and the Assembly, by 390



votes against one, 330 votes not being cast, elected Marshal Mac-Mahon in his place.

#### MAC-MAHON'S PRESIDENCY

Unlike Thiers, Mac-Mahon had all the qualities and defects which make a good head of a parliamentary state. His military prestige, won on the battle fields of the Second Empire, gave him real ascendancy over his ministers. At the same time, his lack of political experience prevented him from interfering constantly, as Thiers did, with every detail of the administration of the country, and even with the general orientation of the government's course. Moreover, being a very poor speaker, he felt little inclination to address the Assembly.

Under such conditions, Mac-Mahon seldom put himself in the position of being responsible to the Assembly. For a year, Duke de Broglie, vice president of the Council of Ministers, was therefore the virtual head of the executive and an adverse vote of the Assembly overthrew him without weakening Mac-Mahon's position.

It was chiefly owing to Mac-Mahon's temperament that the concept developed that the head of the state was not accountable to the Assembly and, therefore, could not be removed by that body.

This concept was embodied in the law of November 20, 1873, which intrusted the executive power to Mac-Mahon for a period of seven years without the possibility of his removal.

One of the main reasons for the passing of this law was that the monarchic majority of the Assembly hoped that during Mac-Mahon's "Septennate" an agreement could be reached as to who should be established on the throne. Mac-Mahon was a con-

vinced monarchist and would doubtless be willing to serve as the instrument of restoring the monarchy.

In the summer of 1873 the *orléaniste* pretender, Count de Paris, had given up his claim to the throne, acknowledging Count de Chambord as the only pretender to the crown. Since Count de Chambord was without an heir, the crown would go at his death to the Orléans branch.

After the "fusion" between *légitimistes* and *orléanistes*, it seemed certain that a monarchy would soon be restored in France. Everything was made ready for the coronation, even the court carriages. Count de Chambord traveled to Versailles where he sought an interview with Marshal Mac-Mahon. He unfortunately insisted that he should rule by his own right, and not at the demand of the Assembly. Above all, he stubbornly refused to compromise on the issue of the flag. He would not accept the tri-color flag, as it was the very emblem of the French Revolution. But the Assembly knew that the nation as a whole, and especially the army, would never consent to the white ensign of the Bourbons.<sup>9</sup> Mac-Mahon, although a *légitimiste*, regarded himself first as a delegate of the Assembly, and refused to deal directly with the royalist pretender.

Count de Chambord went back to his place of exile without having consented to any transaction. Yet the Assembly did not give up its hope of restoring a monarchy. Shortly after the pretender's departure, it decided upon a seven-year term for Mac-Mahon's presidency in the hope that this would afford sufficient time to reach some agreement with

<sup>9</sup> Chancellor Luther's overthrow in 1926 on the issue of the Reich's flag again demonstrated the importance that such apparent trifles as the color of a piece of silk may assume in our supposedly rational world.

the royalist pretender. Amusingly enough, the fact that Mac-Mahon was a royalist is responsible for the long tenure in office of French presidents of the republic.

In the meantime the Assembly set about creating those institutions which would serve as the groundwork of the coming monarchy. The Republic was to be provisional but, according to a French saying, it is only the provisional which is lasting. In fact, the provisional French republic of the seventies has lasted more than sixty-four years.

Count de Chambord's stubbornness, his refusal to compromise, discouraged the monarchists of the National Assembly. They were without political principles and they had no sympathy with a royalist pretender who had spoiled his chances on a narrow question of principle. Out of lassitude they finally ratified the republic, but this republic had to struggle for its existence in the narrow framework which had been built for a monarchy.

This monarchic framework of the present French Republic is known as the constitutional laws of 1875.

#### PREPARATION OF THE CONSTITUTIONAL LAWS OF 1875

The law of November 20, 1873, which laid down the principle of the "Septenate," provided also for the organization of a committee consisting of thirty members of the Assembly intrusted with the task of drafting constitutional laws. The appointment of this committee was the occasion of a heated fight in the Assembly. Owing to a split within the right majority, the monarchists were not as well represented on this committee as they had expected.

The newly elected committee appointed Professor

Batbie of the Paris Law School as chairman and started working with singular want of enthusiasm.

For more than a year the Committee of Thirty achieved nothing. Its impotence resulted from its concentrated efforts to delineate the powers of President Mac-Mahon until a monarchy should be declared. The Count de Chambord could not live forever, and upon his death the Count de Paris would gladly accept the tricolor flag which formerly had been Louis-Philippe's emblem.

The issue of the republican form of government was finally raised on January 21, 1875. On this date, Ventavon, spokesman for the Committee of Thirty, presented to the Assembly a bill for the organization of a government which should have a provisional character pending a royalist restoration. On January 28, Laboulaye proposed an amendment reading: "The government of the Republic consists of two Chambers and of a President." Acceptance of such amendment by the Assembly was to mean an informal but nevertheless positive acknowledgment of the republican form of France's government. An experience of four years, argued Laboulaye, showed that a republic was not an impossibility. The amendment was defeated, however, by 359 votes against 336.

On January 30, another amendment was introduced by Wallon, a Sorbonne professor, which read: "The President of the Republic is elected by the absolute majority of the Senate and the Chamber of Deputies holding a joint session as a national Assembly." This text was very far-reaching in the sense that it provided for the designation of a successor to Mac-Mahon, which meant that, in case it were voted, the continuation of the republican sys-

tem would be assured. Wallon may have been a good professor, but he was a very poor orator. He defended his amendment amidst the laughter of the right and the chatter of the left. It was to the bitter astonishment of the monarchic majority that Buffet, who presided at the Assembly, announced the adoption of the Wallon amendment by 353 votes against 352. The Republic was proclaimed with one vote of majority. Wallon was at once baptized the "Father of the Republic."

This vote had been made possible by the shift of twenty-six members of the right center which now supported the Republicans. These royalist deputies belonging to the moderate Lavergne and Target groups realized that this failure of the Assembly to give permanent institutions to the country would soon bring about serious internal uprisings. They felt, therefore, that it was better to support a moderate form of republic than to live on with an impracticable provisional government in the ever less substantial hope of a monarchy. Political radicalism was rampant in the country, and a conservative republic was far better than another "commune."

On February 3, a second vote was taken on the Wallon amendment, and this time it was adopted by 425 votes against 243. Many monarchic deputies had finally succumbed to the idea of a republic. A number of them, it is true, had voted the amendment with the hope that, once formally established, the republic would prove such a failure that a monarchy would impose itself.

After this statement of principle, the Assembly hurriedly passed a few constitutional laws, the sole result of which was to introduce truly monarchic insti-

hoped that with such a constitution the newly born republic would soon choke to death. As Clemenceau said a few years later: "This constitution is not a constitution; it is a mechanism of war against the republic."

The law of February 24, 1875, organizing the Senate; the laws of February 25, 1875, and of July 16, 1875, on the executive power; the law of August 2, 1875, on the election of senators; and the law of November 30, 1875, on the election of the deputies, are known as France's constitutional laws.

The lack of interest on the part of the Assembly in the framing of a constitution was further motivated by the fear of a new German aggression. France had recovered so quickly from the disaster of 1871 that in 1875 Germany took on once more a threatening attitude. If it had not been for the personal interference of the Emperor of Russia, France might have been the victim of a new aggression. At such a grave juncture, Gambetta justly claimed, "When a country has its full material strength, when its frontiers are intact, there is opportunity for political metaphysics; but such metaphysics would be criminal and sacrilegious in a deeply wounded country." "And since," he added, "you are looking for the reason of the constitutional law of February 25 and of this policy of concord and appeasement, I will give it to you: look at the Vosges."

#### CHARACTERISTICS OF THE CONSTITUTION OF 1875

The Constitution of 1875 is unlike the previous French constitutions in that it is not a single, systematic and highly detailed legal document. It consists of separate laws, of various fragments which were never aimed at being the material with which

a harmonious doctrinal edifice would be erected. These, for instance, contain no provisions for the judiciary organization of the country, with the exception of the High Court of Justice. Nor is there any provision for public finance, although the Chamber of Deputies had been accorded some privileges in this matter. While the principle of universal suffrage is laid down, there is no specific regulation as to the mode of suffrage; it was an ordinary law of July 17, 1919, which introduced the new system of proportional representation. Constitutional revision was unnecessary for such a far-reaching reform.

The greatest weakness in the French constitution is that it contains no general principle outlining citizens' rights. Under such conditions one wonders what is really the basis of French public law.

This basis is to be found to a very large extent in precedents. The French "Bill of rights" is definitely apparent in the individualistic and liberal principles of the Great Revolution: the Declaration of the Rights of Men of 1789, the Constitutions of 1791, of the year I (1793), of the year III (1795), of the year VIII (1800), of 1848, and especially the Constitution of January 14, 1852, just preceding the Constitution of 1875 which in Section 1, "acknowledged, confirmed, and guaranteed the great principles proclaimed in 1789." Some writers go even further and claim that these principles of individualism and liberalism are to be found in the very nature of man. They are so fundamental that they did not need to be formally stated in the French Constitution.<sup>10</sup>

<sup>10</sup> See Maurice Hauriou, *Précis de droit constitutionnel*, Paris, 1929, pp. 339, 612ff. Serious questions arise in the case of a native from a French colonial possession. There may be a conflict here between the personal, familial, and religious status of the native.

With respect to the actual working of the parliamentary system, precedents have also been relied upon—precedents found in the first attempts at parliamentary government during the Restoration and the July Monarchy. For instance, Viviani in 1914 and Poincaré in 1928 became premiers, but without assuming the direction of any ministerial department on the ground of the Duke of Richelieu's precedent during the Restoration. Thus a customary law has been progressively worked out which supplements the written constitution.

This unwritten law may at times assume a negative character. For instance, the right of the president to dissolve the Chamber of Deputies, a right which is specifically stated in Section 5 of the law of February 25, 1875, has not been applied since 1877. To-day it is an unwritten law that the president shall not dissolve the Chamber. Custom here has become so binding that the question of dissolution has been repeatedly raised in recent years but has never been settled.<sup>11</sup>

and what is regarded in France as consistent with good public policy. For instance, how can the Moslem institution of polygamy be reconciled with the fundamental principles of French public law? As a consequence, it has been decided that a Moslem native from North Africa, although a French subject, cannot become a naturalized French citizen without renouncing his Moslem right to marry several wives. If he does, he becomes an heretic in the eyes of the orthodox Moslems. This was the occasion of serious outbreaks in Tunis in 1933 when orthodox Moslems tried to prevent the burial in "holy ground" of Tunisians who had renounced their personal status in order to become French citizens. On the other hand, there is a great inducement for a cultured North African to become naturalized, because it is the only door to many privileged positions in the professions and in civil service.

<sup>11</sup> In connection with the general question of the influence of customs on the French constitutional system, see Réglaude, *La coutume en droit public interne*, Paris, 1919; Gouet, *La coutume dans le droit constitutionnel et dans le droit international*, Paris, 1932; L. Duguit, *Traité de droit constitutionnel*, Paris, 1932, Vol. III, p. 587; Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 35;



Such a lack of systematic approach to the drafting of the Constitution of 1875, however surprising on the part of French lawmakers, was the natural outcome of the half-hearted way in which the National Assembly finally yielded to the republican idea. Yet political theories and dogmas can be dangerous when applied to the complex realities of a nation's government. It is true that the constitutional laws of 1875, loose as they are, have long outlived the specious dogmatic constructions of previous constitution-makers. Casualness here proved better than logical procedure, which in this domain leads to strange results. It was reasoned logic, for instance, which led the makers of the constitutions of 1791 and 1848 to decide against a parliament consisting of two Chambers. They said, reasonably enough, that: "The nation is one, its representation must be one." On the other hand, parliamentary practice in many countries has shown that two Chambers may coexist with good results.

The Constitution of 1875 enjoys the further advantage of not being a cherished child of one political party. It is a compromise which met with no enthusiasm on the part either of the republicans or of the monarchists, but which was generally accepted. This non-partisan character of the Constitution of 1875 may be the secret of its longevity. The monarchists accepted a republican constitution because it was a mere façade for a really monarchic edifice. They hoped that the façade could soon receive a new coat of paint which would give it the proper royalist shade. The republicans, on the contrary, thought that monarchic institutions of gov-

ernment were less important than the nominal existence of the republic and that, once the republican principle was accepted, it would be easier to introduce truly democratic institutions.

As a result of this compromise between monarchists and republicans, France was given a cabinet government reminiscent rather of the parliamentary régime which existed under Louis-Philippe than of any government system adopted under the First and the Second Republic.

For instance, the President of the Republic, according to the letter of the Constitution, has the same prerogatives as a constitutional monarch, particularly in his not being accountable to Parliament and in his right to dissolve the Chamber of Deputies. The responsibility of cabinet ministers to Parliament had never obtained before in France except under the two monarchic régimes of 1815 and 1830. The organization of two Chambers was against the republican tradition, but in accordance with the monarchic precedents, although two-thirds of the senators were to be elected instead of having an entirely appointive senate as under France's constitutional kings. Similarly, compromises between the monarchic and the republican traditions were worked out for such questions as parliamentary sessions, constitutional revision, and treaty-making.

There was only one point upon which there was complete agreement in the Assembly. Both the monarchists and the republicans meant the Constitution to be a bulwark against personal rule. The monarchists and the republicans alike had kept a bitter memory of the eighteen years of arbitrary dictatorship of Napoleon III. The republican Constitution of 1848 had been the easy channel through

which the Great Emperor's nephew had won his way to the crown. The new republican Constitution was to be drafted in such a way as to prevent another *coup d'état*. The coexistence of two Chambers, with the Senate's approval as a requirement to the Chambers' dissolution, was to act as a check upon the personal ambitions of a strong-willed president. For the same reason, the president had to ask for the Parliament's approval before declaring a war. This rule was intended to prevent a president from winning military glory and thereby dominating the Chambers by his personal prestige. As a result of this *coup d'état* complex, tremendous powers were vested with the Chamber of Deputies and many checks put upon the ministers' authority. If cabinets are repeatedly overthrown in France, it is to a large extent because the fear of a dictatorship establishing itself over the nation has never been outgrown. Although few great statesmen have emerged, they all seem doomed to an ignominious end. Clemenceau, who ruled the country in 1918 with an iron hand, died in bitter solitude. Briand, who so often won the premiership, was brutally thrown out by Laval and died a few weeks later. Poincaré, who saved the franc but lost his wealth, in his crippled old age had to write magazine articles for a living. But the Third Republic has reached its sixty-fourth birthday without a *coup d'état*. After such a test of longevity, many claim that the republic has little excuse for not throwing away the crutches of its early years. The present political deadlock and Doumergue's vain attempt to introduce amendments into the Constitution have brought to the fore the question as to whether France should redistribute authority between the executive

and legislative, so as to achieve a better equilibrium and a corresponding governmental efficiency.<sup>12</sup> But this raises the question of amending the Constitution.

#### AMENDMENTS TO THE CONSTITUTION

The monarchists in the National Assembly had reluctantly accepted a republican constitution because they hoped that conditions would soon be favorable to a royalist restoration. To avoid a revolution, however, they managed to make the rules for amending the Constitution so lax that such a restoration could be effected by a mere constitutional amendment. The republicans themselves were in favor of an easy revision procedure because they wanted democratic reforms.

According to Section 8 of the constitutional law of February 25, 1875, it is not necessary to appeal to the people for a revision of the Constitution. First, both Chambers must express their wish for a revision by a majority vote.<sup>13</sup> The Chambers state which specific issue the proposed revision will cover. They may also state in the broadest terms that a constitutional revision is intended. Later, the Chamber of Deputies and the Senate will meet jointly as a National Assembly according to special rules, differing alike from those of the Chamber of Deputies and from those of the Senate. The proposed revision of the Constitution will be discussed and a vote will be taken. The amendment will become a part of the

<sup>12</sup> See Robert Valeur, *France Cautiously Eyes the Dictator*, The New York Times Magazine, November 19, 1933, p. 8.

<sup>13</sup> Which means here the absolute majority of the votes cast. It means half of the votes plus one when there is an even number of voters; it means but half of the votes plus half a vote when there is an uneven number of voters. For instance, the absolute majority of 621 is 311.

Constitution if the absolute majority of the members of the Assembly, whether they cast a vote or not, are in favor of it.

This procedure of amendment has been criticized because, on the one hand, it is not democratic and, on the other hand, it leaves too little influence to the Senate which is in minority in the National Assembly and cannot play its rôle as a moderating factor where it would be most needed. In practice this system has worked smoothly, especially by comparison with the rigid procedure of amendment under the American Constitution. Yet it is undeniable that the French system cannot bring about far-reaching reforms. The Assembly, being composed exclusively of deputies and senators, cannot be expected to introduce great changes into a system of government, the spoils of which they are the first to reap. Only a constituent assembly directly elected by the people could attempt a thorough reorganization of the régime. But under the present system, nothing short of a revolution can bring about a meeting of such a constituent body.<sup>14</sup>

Since 1875 the French Constitution has been amended three times.

The first amendment, voted on June 21, 1879, abrogated Section 9 of the law of February 25, 1875, deciding that Versailles would be the administrative capital of France. The amendment further decided that the selection of a new capital would be within the jurisdiction of Parliament in its ordinary capacity of law-maker. Accordingly the law of July 22, 1879, provided that Paris would henceforth be

<sup>14</sup> Dupeyrou, "Du système français de révision constitutionnelle," *Revue de droit public*, 1931, p. 445.

the seat of France's government, Parliament, and administrative services. Although Paris was the natural capital of the country, the National Assembly elected in 1871 had decided after much bickering to make Versailles the seat of the government. The monarchic majority remembered only too well that every French republican revolution, with the one exception of the Commune uprising, had spread from Paris to the provinces, and they would have felt ill at ease holding their meetings in a hot-bed of radicalism. Many deputies, feeling that Versailles was altogether too close to Paris, had even proposed Bourges, and the committee appointed to study the question favored Orléans. The Commune insurrection did not predispose the Assembly any more favorably toward Paris. Yet the ministers and administrative services remained in Paris. Most of the deputies and senators lived there too. When the Republic had become more strongly intrenched after Mac-Mahon's resignation, it was natural for the republican majority to vote the return of the government to the great city on the banks of the Seine. This was an accomplished fact in 1879.

The constitutional revision of 1884 was much more important. It meant the embodiment into the Constitution of the final triumph of the republicans over the monarchists. The constitutional amendment of August 14, 1884, forbade the selection of any member of one of the former French reigning families as President of the Republic. It also decided that the republican principle of government could not be the object of a constitutional revision. Of course, this was just an empty phrase, for another constitutional amendment could abrogate this pro-

hibition.<sup>15</sup> Another important step toward the democratizing of the French government was this amendment which eliminated from the Constitution the section dealing with the membership of the Senate. The ordinary law of December 9, 1884, thus could decide that no more senators would be appointed for life, that all senators would be elected, and that the communes would no longer be on the same footing as far as senatorial elections were concerned.

A third amendment was introduced into the Constitution on August 10, 1926. It was a few days after the franc had crumbled to two cents. This situation had largely been motivated by the heavy indebtedness of the state, resulting from the war. Poincaré, newly appointed head of the government of "National Union," asked Parliament to give complete financial autonomy to the *Caisse d'Amortissement*, an organization intrusted with the task of amortizing the public debt. The constitutional amendment set aside for this organization special revenues, as the tobacco monopoly, and provided that the *Caisse* could not be deprived of such revenues by an ordinary law. This amendment means scarcely more than the intention of France to liquidate her internal debt so as to restore public confidence in the currency.

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Such is the historical origin of the French Constitution of 1875. This origin explains its strange character and numerous contradictions. The following

<sup>15</sup> Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 32.

chapters will present a picture of the institutions which this Constitution gave to the French Republic.

## CHAPTER II

### THE EXECUTIVE POWER

#### SECTION I: THE PRESIDENT

THE executive power is vested in one man, the President of the Republic. To have a single person at the head of the state is consistent with the French tradition of many centuries as well as with the practice of most nations.<sup>1</sup> Yet in so far as the Constitution of 1875 aimed at preventing personal rule it would have seemed natural to divide the executive power among several individuals, as was the case under the Directory and the Consulate.<sup>2</sup> It must be remembered, however, that the Constitution of the Third Republic did not create the presidential office, already in existence; it was merely consolidated, and its prerogatives defined by the Constitution. On the other hand, the executive power would have been weakened greatly had it been divided between several individuals. The president is the only element of continuity in the government. A collective presidency would mean shifting majorities which would intensify the conflict of opposing parliamentary groups.

<sup>1</sup> The most conspicuous exception is Switzerland which, although it has a president, is actually governed by the Federal Council of seven members.

<sup>2</sup> The collective character of the Consulate existed in appearance only, the first consul having really the whole power.



The danger of a *coup d'état* is lessened by the fact that the president is not elected by the people but by Parliament. Were he elected by the people, as is the case in the United States, or as was the case under the French Constitution of 1848, he would feel superior or at least equal to Parliament, and might try to overrule it. The National Assembly well remembered how easily Louis-Napoléon, who had been elected by an overwhelming majority of the electorate, had overthrown the Republic. The deputies decided, therefore, that the president should be no more than their delegate.

The president is elected by an absolute majority of the two Chambers sitting together as a national assembly.<sup>3</sup>

The Constitution takes steps to forestall any vacancy in the presidential office. The National Assembly elects a new president one month before the president in office has completed his Septennate. If the president in office fails to call a meeting of the National Assembly for the election of his successor, the Chambers convene without any formal summons fifteen days before the end of the incumbent's term. When the president in office resigns or dies, the Chambers meet immediately to elect a new president.<sup>4</sup>

<sup>3</sup> Sec. 2, Constitutional Law of February 25, 1875.

<sup>4</sup> A difficulty arose on the occasion of President Doumer's assassination. The murder took place between the legislative election of May 1, 1932, and the first meeting of the newly elected Chamber of Deputies, on June 1. The Constitution required that the National Assembly meet at once for the election of a successor to the murdered president. It was impossible therefore to wait until June 1. Since the newly elected deputies had no legal prerogatives until that date, it was decided under the Constitution that it was the privilege of the *députés sortants* to sit in the National Assembly, although many of them had not been reelected. The Constitution does not provide for the case of a president who suffers a permanent

## HOW PRESIDENTS ARE ELECTED

The joint session is held at Versailles.<sup>5</sup> The vote is taken without nominations or discussion and, so far, no more than two ballots have ever been required to elect a president. This apparent lack of argument in the presidential elections comes from the fact that a great deal of underground work takes place before the session of the National Assembly opens. Alliances between parliamentary groups are concluded beforehand, the competition usually narrowing down to a race between the right and the left. At the election of January 17, 1913, the practice of a preparatory meeting at which candidates would declare themselves was introduced, and discussions would take place leading to a straw vote. This practice was discontinued in 1924. The "cartel of the left" alone had a preparatory meeting at which Painlevé was nominated, nevertheless Doumergue, President of the Senate, was elected on the following day at the first ballot. In 1931 Briand's supporters did not consent to a straw vote. At the first ballot of the regular session he got only 401 votes against 442 to Doumer. Although the latter obtained the absolute majority of the votes cast, he did not command the absolute majority of the National Assembly, on account of many abstentions. A second ballot was required, giving 504 votes to Doumer as against 334 to Marraud, selected by the left parties physical or mental disability during his term. On this special point see Esmein and Nézard, *op. cit.*, Vol. II, pp. 53ff.

<sup>5</sup> In a wing of the famous palace which was erected under Louis XV to serve as an opera house. It was rebuilt in 1875 and was used as the meeting place of the Chamber of Deputies until 1879. The same hall is used when the chambers sit together to amend the Constitution. The halls used for the Chamber of Deputies and the Senate would not be large enough to seat the two chambers when they hold a joint session.

as a substitute to Briand who had withdrawn from the race. Before the presidential election of May 10, 1932, following Doumer's assassination, there was no preparatory session. The tragic circumstances precluded the possibility of a struggle which would have antagonized the people. The President of the Senate, M. Lebrun, was elected by 633 votes out of 826 cast.

Any French citizen is eligible to the presidency unless he has been deprived of his political rights by the judgment of a court. Women are not specifically excluded, but as long as they are not granted the right to vote there is little chance of seeing a woman ascend to the highest French office. The 1884 amendment to the Constitution excluded as candidates to the presidency members of the former French ruling families. The reason for this exclusion is obvious, although it is inconsistent with the great French principle of equality.

There is incompatibility between the presidential office and any other public office. Thus a newly elected president is obliged to resign from Parliament, while a cabinet minister is not.

Although it is by no means a legal prerequisite, all presidents elected after 1875 were members of Parliament: Carnot was a deputy and formerly a cabinet minister; Felix Faure was a minister in office; Poincaré and Millerand were Presidents of the Council of Ministers in office; Grévy, Casimir Périer, and Deschanel were Presidents of the Chamber of Deputies in office; Loubet, Fallières, Doumergue, Doumer, and Lebrun were Presidents of the Senate in office.\*

\*In chronological order the French presidents have been: Adolphe Thiers, 1871-1873; Marshal Mac-Mahon, 1873-1879; Jules

The President of the Republic is elected for a term of seven years. This term is strictly personal in the sense that, should the former president resign or die during his term of office, his successor will not be president merely for the rest of the term as is the case with members of Parliament, but for a full period of seven years.<sup>7</sup>

A president can be reëlected indefinitely. Only Grévy was reëlected in 1887, but two years later he was obliged to resign on account of a scandal in which his son-in-law, Wilson, had been involved.<sup>8</sup> Four presidents completed their seven-year term, Loubet, Fallières, Poincaré, and Doumergue, but they did not seek reëlection. Carnot was murdered a few months before the end of his term. Casimir Périer remained in office only a few months. Félix Faure died at the Elysée after having been in office four years. Deschanel resigned after a few months because of illness. Millerand was forced to resign after four years in office and Doumer was murdered after one year.

Some presidents have declared in their inaugural message to Parliament that they would not seek reëlection. According to Joseph-Barthélemy, "Such a proclamation is undignified and deplorable, and is, moreover, contrary to the spirit of the Constitution.

Grévy, 1879-1886, second term 1886-1887; Sadi Carnot, 1887-1894; Casimir Périer, 1894-1895; Félix Faure, 1895-1899; Emile Loubet, 1899-1906; Armand Fallières, 1906-1913; Raymond Poincaré, 1913-1920; Paul Deschanel, 1920; Alexandre Millerand, 1920-1924; Gaston Doumergue, 1924-1931; Paul Doumer, 1931-1932; Albert Lebrun, 1932-

<sup>7</sup> Only in Austria is there a longer presidential term—ten years, since the constitutional amendment of 1929. In most other republics the president's term is shorter: six years in Finland, five years in Greece, four years in the United States, three years in Latvia. But the French seven-year term has been adopted in Germany, Poland, Lithuania, and Czechoslovakia.

<sup>8</sup> The sale of Legions of Honor.

The presidency is not a fief to be transmitted to someone else after a reasonable tenure of office; it is a post of honor and action which must be held as long as the incumbent enjoys the confidence of the nation as expressed by its constitutional media."<sup>9</sup>

Yet President Doumergue refused to run for office a second time on constitutional grounds. He is supposed to have said: "The President of the Republic is the arbitrator between parties. Can he retain this position once he seeks their support for reélection?"<sup>10</sup>

#### THE PRESIDENT'S CONSTITUTIONAL PREROGATIVES

The Constitution of 1875, so monarchic in its essence, gives the presidential office a glamour comparable with that which surrounds constitutional kings. The monarchic majority in the National Assembly thought this would facilitate a monarchic restoration. It was also felt that the democratic Chamber of Deputies should have the counterweight not only of a conservative Senate but of a highly respected president.

The president receives a salary which seems enormous if compared with the highest salaries paid to other French officials. According to the law of December 30, 1928, he receives a yearly salary of 1,800,000 francs plus 900,000 francs for household expenses and another 900,000 for entertainment and traveling expenses.<sup>11</sup> About one million francs go into various taxes, the only advantage that the president has in this respect over ordinary citizens being

<sup>9</sup> Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 613.

<sup>10</sup> *Le Temps*, May 18, 1931. Quoted by Joseph-Barthélemy and Paul Duez, *ibid.*

<sup>11</sup> All this put together means about \$237,000 at the present rate of exchange.

that the rental value of his residence is assessed far below what it really is. This income does not compare with the yearly 470,000 pounds of the King of England or even with the 9,500,000 Belgian francs of the King of Belgium. It compares even less favorably with the twenty-five million gold francs—meaning more than 125,000,000 paper francs—paid annually to Napoleon III. Yet it is a large salary if compared with the 120,000 franc allowance of the President of the Council of Ministers or even with the 150,000 franc salary paid to the chief Justice of the Court of Cassation and to French field marshals.

The president has his residence in the Elysée Palace, a beautiful yet unpretentious mansion, and his summer residence at the Rambouillet château which is surrounded with extensive grounds and a magnificent state forest. Wherever he goes he is saluted with guns, surrounded with glittering helmets and bayonets; there is a strange contrast between the dull tail coat and silk hat of the president and all the regal splendor which accompanies his every step.

The Constitution of 1875 not only gave prestige to the president, it also gave him power. He is commander-in-chief of the army and navy and he has the right to assume active command in case of war. He has the privilege of pardoning criminals. He represents his country in all international dealings; he negotiates and ratifies treaties, even secret treaties. He appoints all civil and military officers except those specifically provided for by law. He can compel the Chambers to limit their sessions to a five months' period, and if he disapproves of the demeanor of Parliament, he can send deputies and senators home for a month's vacation, although no

more than twice during the same session. He can dissolve the Chamber of Deputies with the assent of the Senate. He can initiate legislation. He has, over any bill, a suspensive veto which the Chambers may override by a majority. He can also appeal to public opinion by having one of his ministers read messages to the Chambers. He also designates the President of the Council of Ministers and acts as chairman at the most important meetings.

These powers of the French president, great as they are, are made even greater, in appearance at least, by the principle of the president's being answerable to no one. This privilege is really a monarchic attribute which was introduced into the Constitution by the right majority of the National Assembly. It obtains only for presidential activities which fall within the scope of his functions. He could not, of course, claim it for a common-law offense. Even when he acts within the limits of his competence as president, he may be held responsible in case he is convicted of high treason.

#### THE PRESIDENT'S WEAK POSITION

In reality, the president's irresponsibility has been instrumental in weakening his position, for a man who cannot be held responsible for his actions will sooner or later be denied the very right to act. The result is that all bills and decrees which bear the president's signature have to be countersigned by a minister in office before they are valid.<sup>12</sup> Other gov-

<sup>12</sup> This leads to a serious academic difficulty in case of a decree appointing a new President of the Council. Such a decree has to be countersigned by a minister in office. This minister belongs necessarily to the Cabinet which has just been overthrown and what can be the value of his counter-signature when, as is often the case, he disapproves of the new President of the Council?

ernment activities require the material assistance of a minister. The presence of a minister is required when, for instance, the president receives a *préfet* or an ambassador. If he receives such officials alone, it is with the tacit or expressed authorization of the President of the Council. If the President of the Council does not expressly disapprove of an action taken by the President of the Republic without the assistance of a minister, it will mean that he gave his tacit authorization, and his own responsibility may be engaged on that account. President Millerand, who was forced to resign in 1924 because he had delivered a partisan speech in Evreux in 1923 without the premier's authorization, and had also received *préfets* alone, was not reprimanded for such actions by Poincaré who was then President of the Council. It was, therefore, a mistake to assail him on the ground of unconstitutional activities.

Thus hampered by the need of a minister's assistance for every one of his activities, the President of the Republic cannot actually make much use of his important constitutional prerogatives. For instance, no president has ever vetoed a legislative bill. No president has ever assumed command of the army in the field and it is doubtful whether the general staff would allow him to do so. The right to dissolve the Chamber of Deputies was used just once by Mac-Mahon, and dissolution has ever since been considered synonymous with *coup d'état*. Although the president is given by the Constitution the right to negotiate treaties, it was Clémenceau who, as premier, was the spokesman of France at the Peace Conference in 1919. Poincaré, who was then President of the Republic, disagreed on many points with his premier. His duty was to inform the Cham-



bers through a message. But he could not do so without Clémenceau's permission, who certainly had no intention of granting it.

For all his ordinary prerogatives the president is completely at the mercy of one minister or another. These prerogatives are important on paper. In reality, the president, sitting alone in his palatial office at the Elysée, cannot know anything of the foreign affairs of the country, anything of the internal political situation except through such reports as the ministers see fit to communicate to him. The minister, without whom the president is powerless, could even shut him off completely from all governmental activities by refusing to let him see any official documents save those he wishes him to sign. And it is this need for the president's signature which makes the minister more amenable.

Yet there is no doubt that the successive Presidents of the Republic were instrumental in allowing the Cabinet and Parliament to encroach progressively upon their constitutional powers. The presidents themselves must bear much responsibility for the practice of relegating them to the golden isolation of their princely palace.

The first two presidents of France, after the Constitution of 1875 came into effect, contributed more than any others to the development of this practice of depriving the presidency of all but nominal powers.

Mac-Mahon, who was in favor of a monarchic restoration, used the powers given him by a republican constitution in a way that was opposed to the interests of the republic. When he found the Chamber of Deputies altogether too republican, he dissolved it (May 16, 1877). The people reelected

every one of the three hundred and sixty-three deputies who had sat in the republican ranks of the dissolved chamber, showing by their attitude that the head of the state had tried to go against the opinion of the majority. The head of a democratic state could not, with impunity, oppose the people, and Mac-Mahon was obliged to go. Nevertheless, all true republicans remained suspicious of the presidential office.

After such a precedent, Grévy, who succeeded Mac-Mahon, had no choice but to assume a submissive attitude. He apparently was the right ruler under the circumstances since, as early as 1848, he had introduced an amendment to the Constitution of the Second Republic asking for the suppression of the presidential office. Later, in 1873, he had opposed the "Septennate" as being too long a term. Yet it was only in appearance that he played a passive rôle. A clever politician, he managed to exert real influence over the affairs of the state. He succeeded especially in paralyzing Gambetta's activities and in preventing Clémenceau's rise to power. But he created the tradition of the passive president and this was confirmed by his undignified attitude after the scandal in which his son-in-law was involved.

#### THE SCARCITY OF STRONG MEN IN THE PRESIDENTIAL OFFICE

If a strong man were elected president, he might, however, attempt to escape the isolation of the Elysée and insist upon using his constitutional powers in full. This would doubtless occur if the president were elected by the people. But the president is elected by Parliament. The deputies and

senators are jealous of their authority and they usually see to it that harmless men are chosen as presidents. Grévy was elected rather than Gambetta, Carnot rather than Jules Ferry, Félix Faure rather than Waldeck-Rousseau, Loubet rather than Méline. But the outstanding instance was the 1920 election in which the gentle Paul Deschanel was sent to the Elysée rather than Clémenceau, although the latter had saved France during the war. This election showed how little Parliament really represents public opinion as far as the designation of presidents goes. Just as Parliament would have designated Cavaignac in 1848 when the people elected Louis-Napoleon, in 1920, Parliament designated Deschanel while the people undoubtedly would have elected Clémenceau.<sup>13</sup> The latter bitterly resented the "ingratitude" of Parliament. Yet "he was a victim of the policy that he himself followed when he supported Sadi Carnot against Jules Ferry and Pams against Poincaré. He formulated this policy in this statement which was supremely unjust to the candidates: 'I vote for the most stupid,' which meant he did not want first-rate statesmen in the Presidency."<sup>14</sup>

Yet three strong men have been president: Casimir Périer, Raymond Poincaré, and Alexandre Millerand. After a few months, Casimir Périer had become so disgusted with the futility of his rôle that he resigned. Poincaré was elected in 1913 largely because Parliament wanted to get rid of such a stubborn premier. They also knew that Poincaré had too much respect for the Constitution ever to attempt

<sup>13</sup> It is probable, too, that in 1925 the Reichstag would have elected Marx as Reich's president whereas the people voted for Hindenburg.

<sup>14</sup> Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 630.

a *coup d'état* and they were not afraid to make him president as a means of clipping his wings. In fact, the war gave Poincaré an opportunity of playing a much more important rôle than his predecessors. He was instrumental in bringing about the "sacred union" between all parties during the armed conflict; he also played an important rôle in many international negotiations. Yet he found himself in chronic conflict with Clémenceau during the Peace Conference and, after he left the Elysée, he repeatedly expressed his views concerning the real powerlessness of the president.<sup>15</sup> Millerand was the only French president who interfered constantly with the government of the country. As a result he was forced to resign in 1924.<sup>16</sup>

A last reason for the weakness of the presidential office lies in the fact that it is easier to agree in the case of a mediocre politician than in that of a great statesman who has inevitably made numerous enemies. This accounts for many "dark horses" being sent to the Elysée as so often happens in American presidential elections.

#### THE REAL FUNCTION OF THE PRESIDENT

However limited in reality the power of the president may be, the highest magistrate of the French state has still two important rôles to play.

In the first place, when a cabinet has been over-

<sup>15</sup> "The Constitution, he said, only gives the president this moral authority that he derives from his experience, his knowledge of men, and his past service," *Le Temps*, August 9, 1920. See also *Revue des Deux Mondes*, March 15 and June 15, 1920. In the little book he published while still president, *How France Is Governed*, New York, 1919, Poincaré speaks of the presidential office in a non-committal way. See pp. 147ff.

<sup>16</sup> See above, p. 297.

thrown, he designates the new premier, who will in turn select his ministers so as to summon a majority in Parliament. This function would have comparatively little importance if the two-party system obtained in France as in Anglo-Saxon countries. But with more than a dozen political groups in Parliament—groups which are ever ready to split into sub-groups and which do not always acknowledge a single chief—the new premier can seldom be designated in accordance with strict parliamentary rules. The president usually has the choice between several men, and may in this way have a real influence on the policies of the new cabinet. If Poincaré had been less of a patriot in 1917 he would not have asked Clémenceau, who insulted him every day in his newspaper, to head the government. By doing so he not only changed the course of French politics, but he also deeply influenced the history of the world.

In the second place the president has an indirect influence on the government of France because he attends the most important cabinet meetings.<sup>17</sup> Although he acts as chairman, his vote is not counted for the final decision, but he has the right to give his opinion. Here, his experience, as well as the longer tenure of his office, adds weight to his influence on the Cabinet's policies.

Thus the French president is not a "*roi fainéant*"—a phantom king without a crown."<sup>18</sup> "Between dictatorship and abdication," said Barthou, "between supreme power and impotence, between indiscreet presence and conspicuous absence everywhere, there are a thousand degrees for what I shall

<sup>17</sup> The king of England is denied such privilege.

<sup>18</sup> As W. B. Munro believes. See *The Governments of Europe*, New York, 1931, p. 418.

term . . . *active advice*." *Tant vaut l'homme, tant vaut la fonction.*

## SECTION II: THE CABINET

"IN THE classical political theory, the parliamentary system, such as the one existing under the Constitution of 1875, requires a balance of power: on one side, Parliament; on the other side, the head of the state who is not accountable to Parliament and cannot be removed. The government proper, that is to say, the general management of public affairs, must be the result of a collaboration between these two organs. The instrument for this collaboration, the connecting link of the parliamentary system, is the Cabinet, or the ministers as a group. This collaboration is not the offspring of a theorist's brain, but is inherent in the very nature of things: the chief of the state appoints the ministers; Parliament may overthrow them."<sup>19</sup>

This is all well enough in theory. In practice the weakness of the French president upsets the balance between the legislative and the executive powers. Although the president designates the new premier who in turn selects the ministers, although the president gives his advice on the main governmental policies, his influence has degenerated to such an extent that, as will be shown later on, the real head of the executive power now is the President of the Council of Ministers. But the Cabinet's responsibility to Parliament, which is not offset by the long discarded presidential prerogative of dissolution and veto, makes of the French ministers nothing more than the delegates of Parliament. Their main task

<sup>19</sup> Joseph-Barthélemy, *Le gouvernement de la France*, Paris, 1925, p. 99.

under such a system is not to govern, that is to say, to manage policies, it is really to control the civil and military servants, to check their activities, and to report to Parliament whether the policies decided upon by the latter are properly enforced by the "bureaus."

It thus appears that the real executive power, which technically belongs to the president, which in appearance is in the hands of the Cabinet, actually lies with the various public services. The French *fonctionnaire* who has inherited the autocratic traditions of Louis XIV and Napoleon, is the only person in France who really knows anything about the technical functions of government. From his fortress of red tape he actually rules the country, holding in check democracy, tyrannizing a grumbling and yet submissive public, indifferent to the merry-go-round of ministers and to the vain chatter of deputies. Whether he be a conservative or a radical, he is primarily a *fonctionnaire*, jealous of his authority, standing by his kinsmen whatever their political creed. As their figurehead, the president, he is answerable to no one and cannot be removed. Yet he is almost always honest and competent. To the average foreign observer the government of France somewhat recalls the anarchy of a Central American republic. To the French citizen, the dethroned Bourbon kings and Bonaparte emperors still rule the country by the iron structure of the offices they created. Since the foundation of the Third Republic, sixty-four years ago, France has had eighty-eight different cabinets. Yet France has a far more stable internal administration than the United States, a continuity

in its foreign policy second to none, and an economic organization which has proved its stability during the depression.

#### MINISTERS AND UNDER-SECRETARIES

In theory, the President of the Republic selects the ministers. In practice, he only designates the premier, who will in turn select the members of his Cabinet—a selection which the president merely ratifies.<sup>20</sup> The president may also remove a minister, although in practice ministers always resign voluntarily, before being forced to do so. The ministers are therefore regarded theoretically as the president's ministers and, as a result, it is the rule for the Cabinet in power to resign when a new president is elected.

In theory, anyone above twenty-one years of age may be appointed minister. In practice, ministers are usually taken from the ranks of the deputies and senators. This increases the Cabinet's dependence on Parliament. There have been a few exceptions to this custom. For instance, Ministers of War and of Marine have often been chosen from among generals and admirals.

The ministers have a modest salary of 120,000 francs (\$7,920 at the present rate of exchange) plus an allowance of 25,000 francs for the maintenance of their official automobile. They are also given an apartment in the palace of their department, but they seldom live there on account of the instability of their position. They prefer to keep their Paris

<sup>20</sup> When Millerand, who was then premier, was appointed to the presidency in 1920, he selected Leygues as his successor at the head of the ministry, but insisted that he keep all the members of his cabinet.



apartment, using this official residence only for state functions.<sup>21</sup>

All ministers are theoretically on an equal footing, with the exception of the Minister of Justice, who is vice president of the Council of Ministers as well as President of the Council of State and of the Tribunal of Conflicts. However, a hierarchy in the Cabinet exists in fact if not in law. The Ministry of Foreign Affairs enjoys the greatest prestige. The Ministry of the Interior has tremendous political importance because it controls the *préfets* whose influence on the elections is paramount.<sup>22</sup> The Ministry of Finances comes next because, although credits are voted by Parliament, funds are actually provided through this ministry. It is a good thing to have a friend on the Rue de Rivoli,<sup>23</sup> because it enables one to pull wires and, as circumstances warrant, to release funds promptly, or constantly to ask for delays under the usual pretext of red tape. The departments of Education, War, Marine, and Agriculture are also important because they control a large number of officials. They have an important budget and a good share of decorations to distribute.

<sup>21</sup> The budget of some ministries includes what is known as "secret funds," which the minister in charge may use at his convenience, although he is not supposed to spend them on himself.

<sup>22</sup> This office was regarded as so important under the *Ancien Régime* that the kings never appointed a Secretary of the Interior for fear that he would be too powerful. They had only four under-secretaries, each commanding one quarter of the country. The Ministry of the Interior exerted tremendous influence during the régime of Napoleon III when the *préfets*, and under them all public servants were the docile instruments of the minister. But the *préfets* have become less docile and the public servants more independent. In fact, the portfolio of the Interior has lost so much of its former importance that, since the war, no premier has taken it, with the single exception of Chautemps in his ill-fated ministry, November 27, 1933, to January 27, 1934.

<sup>23</sup> The Ministry of Finances is located in a wing of the Louvre on the Rue de Rivoli.

The political party which obtains one of these portfolios may therefore grant abundant favors to its supporters. As a result these portfolios are the object of keen competition. The minor portfolios such as Commerce, Labor, Public Health, etc., are given to members of the lesser political groups.

There may also be ministers without a portfolio. They appeared for the first time during the World War. Viviani, premier at the beginning of the conflict, was relieved from the responsibilities incumbent on the management of a ministerial department, so as to concentrate on the difficult problems arising from the war. At the same time, the desire to have representatives of all parties in the cabinet at a time when "sacred union" was the national slogan, led to the appointment of the socialist Jules Guesde and of the conservative Denys Cochin as ministers without a portfolio. Poincaré, after the reorganization of his National Union Cabinet in 1928, did not take any portfolio. Doumergue followed the same precedent in his coalition cabinet organized after the outbreaks of last February. He himself did not take any portfolio and appointed the radical socialist leader Herriot and the conservative leader Tardieu as Ministers of State without a portfolio. The lot of these ministers without portfolios is not altogether an easy one. They have no regular office to work in, no bureaus under them, no favors to grant, no decorations to bestow.<sup>24</sup>

<sup>24</sup> According to Joseph-Barthélemy and Paul Duez, *Traité de droit constitutionnel*, p. 648, when Poincaré was premier without a portfolio "he could not get so much as a pencil without a minister's permission." One of the first moves of M. Flandin when he became President of the Council without portfolio in November, 1934, was to decide that the former Austro-Hungarian embassy would henceforth be used to house the prime minister and his bureaus.

Of late years there has been in French cabinets a growing number of under-secretaries of State. This is the Old Régime term for vice minister. Some are appointed to assist the minister in charge of a specially important department. Such is often the case with the premier who appoints a *sous-secrétaire d'état à la Présidence du Conseil*, to relieve him of some of the burdens of his dual function. There have been also frequent appointments of under-secretaries for the Interior and for Foreign Affairs. In most cases, however, under-secretaries are appointed to manage some important branch of the administration which deserves more autonomy than it would have as a mere sub-department of an important ministry: for instance, Tourism, Physical Education, Technical Education, Fine Arts. Yet the organization of such departments under an under-secretary generally reflects the Premier's desire to please as many parliamentary groups or local interests as possible by distributing a great number of "half-portfolios." In 1928 the office of *sous-secrétaire* of Hygiene was created by Poincaré and given to an Alsatian deputy, Oberkirch, with the sole purpose of conciliating Alsatian opinion. In the same way, colored deputies have been appointed under-secretaries for Colonies to win over the natives of the French colonial possessions. Tardieu appointed as many as twelve under-secretaries in his 1929 cabinet and fifteen in his 1930 cabinet. He claimed that it was a good school for future ministers.

The under-secretaries have not the same prerogatives as the ministers. They cannot countersign a presidential act. They do not attend all cabinet meetings. Yet they are responsible to Parliament, and lose office if the cabinet is overthrown.

So-called high commissioners are occasionally found at the bottom of the hierarchy. They are appointed when it seems necessary to withdraw the control of some office from the autocratic hand of the *fonctionnaires*. They are in reality temporary under-secretaries, without the prestige or the salary attached to that position. There have been high commissioners for Alsace-Lorraine, for Housing, for Aéronautics, for Tourism, etc. The high commissioner for Aéronautics was later promoted to the rank of under-secretary and finally made Air Minister. The high commissioner for Tourism was later made under-secretary of National Economy and Tourism.

#### THE COUNCIL OF MINISTERS AND ITS PRESIDENT

Taken as a group, the ministers constitute the Council of Ministers or Cabinet. It would be out of the question for each minister to control his department independently of the others. Although there may be little in common between the Ministry of Justice and the Ministry of War, there are governmental policies which affect the country as a whole and must be decided upon by the ministers as a group, thereby engaging their joint responsibility to Parliament.

All ministers, with or without a portfolio, have access to the Council. Under-secretaries are sometimes admitted to take part in a deliberation.

The ministers may meet formally in the presence of the President of the Republic. In this case they meet as the "Council of Ministers." The ministers may also meet informally without the President of the Republic. In this case they meet as the "Cabinet

Council."<sup>25</sup> All important decisions are made in a council of ministers and, in many instances, the law requires such a formal meeting to give binding force to a decree. The minor decisions are made in a Cabinet Council.

The President of the Republic acts as chairman of the Council of Ministers, yet, not being accountable, he may not cast his vote.

When the ministers meet in a Cabinet Council, the President of the Council of Ministers acts as chairman. Strangely enough, this high personage, in fact the real head of the French government, is not mentioned once in the Constitution. Yet it was difficult to make the ministers meet in a council without some coördinating authority and thus it appeared essential to create the office of President of the Council of Ministers—such being the customary French name for the prime minister. It may be pointed out that it was not contrary to the Constitution to do so, because, as has been seen, the Constitution of 1875 is not a charter of governmental organization, complete in every detail. In many instances, precedents have to be relied upon, and the constant practice under the previous constitutional monarchies was to have a prime minister.<sup>26</sup>

Although it was chiefly as chairman of the Cabinet's meetings that a prime minister was required, this personage is much more than a mere guide in

<sup>25</sup> As a minister once said, the criterion would be: "The Cabinet Council is a place where you may smoke; the Council of Ministers is a place where you may not smoke."

<sup>26</sup> Poincaré certainly goes too far when he writes, "Yet, according to the letter of the law, one is authorized to suppress the prime minister," *Revue des Deux Mondes*, October 15, 1920.

the deliberations of his colleagues. He really is the chief of the ministers. In the first place, after he has been designated by the president "to constitute a ministry" he is the one to select all the ministers, who consequently owe him their allegiance. It is not unusual, therefore, to hear the President of the Council speak of "his" ministers. Although he is on the same footing as the other ministers with regard to legal prerogatives, especially when it comes to countersigning the president's acts, he is really their chief with respect to the shaping of governmental policies and to the coördination of the Cabinet's activities. The best evidence of his holding a controlling position in the Cabinet lies in the fact that he may at any time act in place of one of his ministers. This was the case, for instance, when Premier Laval came to Washington in November, 1931, without being accompanied by Briand, then Minister of Foreign Affairs.

#### THE DUAL FUNCTION OF THE PRESIDENT OF THE COUNCIL

With the exception of Viviani in 1914, of Poincaré in 1928, and of Doumergue in 1934, the Presidents of the Council have always held a portfolio. Before the war it usually was the Interior, with the result that the premier was inclined to overemphasize the importance of internal politics at the expense of foreign affairs. It was the time at which Delcassé, single-handed, directed a foreign policy aiming at Germany's isolation in Europe. In this he succeeded, but without the support of his successive prime ministers, and when Germany assumed a threatening attitude, Rouvier, then premier, did not hesitate

to sacrifice his Minister of Foreign Affairs and to force Delcassé's resignation. During the war, the successive premiers held either the war portfolio or the Ministry of Foreign Affairs. After the war they showed their preference for the latter. But the result may be that, contrary to the pre-war situation, the prime minister is inclined to forget that internal politics are the conditioning factor of a stable foreign policy. This was Poincaré's mistake from 1922 to 1924. The elections of May, 1924, in which he was defeated, led to the evacuation of the Ruhr and to a more lenient attitude toward Germany. Some think also that it is not advisable for the prime minister to be at the same time Minister of Foreign Affairs. "If the German ambassador personally brings a note to the Minister of Foreign Affairs, he may request an immediate reply, in case this minister happens to be also President of the Council. If, on the contrary, these two functions are separate, the minister may say: 'I shall mention it to the President of the Council.' It thus gives him time for deliberation."<sup>27</sup>

What is certain is that the direction of a ministerial department is in itself a heavy task. When it is added to the duties and responsibilities of a prime minister it is almost incredible how one man can stand the resultant strain.

The duties of a prime minister are indeed numerous and delicate. As the coördinating agent of the Cabinet he presides over the Cabinet Council, and when the Cabinet meets as Council of Ministers in the presence of the president, he plays a leading rôle in the deliberations.

<sup>27</sup> Joseph-Barthélemy and Paul Duez, *op. cit.*, p. 669.

## CABINET SOLIDARITY

These deliberations are secret. They are not recorded, and this leads to difficulties whenever the actual responsibility for a decision has to be ascertained. Yet it seems natural that it should be so, as the Council of Ministers makes its decisions as a whole and is jointly responsible to Parliament. The result is that one or several ministers may be forced to resign at an inopportune time, when they disagree with the majority of their colleagues on an important issue. The English practice has more elasticity in this respect, since individual members of the English Cabinet may be left their liberty of opinion with respect to a given issue.<sup>28</sup>

This French system of a Cabinet solidarity, which can only be broken by the resignation of the dissenting ministers, leads to grave complications, especially as, of late years, parliamentary *mores* have considerably degenerated. As French politics are not ruled by the two-party system, and as the Chamber of Deputies is divided into more than a dozen groups, a cabinet may be composed of men of widely differing opinions. Even if the cabinet is overthrown, only a few ministers are replaced by men from another group. The resigning ministers may eventually find themselves the opponents of their former colleagues. In so doing, they may take a stand against policies with which they disagreed when they were members of the previous cabinet, but which they appeared to the public to be supporting, since they did not resign when the issue was raised. In such a case, their former colleagues who have stayed on in the new cabinet do not fail to remind

<sup>28</sup> As happened in 1932 in the case of the tariff question.



them of this tacit acceptance of the policies which they now oppose. This may lead to embarrassing situations as, for instance, the debate which took place between Briand and Marin on May 8, 1931, when the former told the latter that he had no right to criticize his foreign policy since it was but the continuation of their joint efforts during the two years when they were members of the same cabinet. Under such conditions one may readily understand the peculiarly difficult position of a French premier who has to maintain a precarious accord between Cabinet members of more than half a dozen political groups.

#### THE PREMIER AS THE MAJORITY LEADER

This failure on the part of French Parliament to follow the English precedent of the two-party system makes it extremely difficult for the French prime minister to be, as in England, the majority leader. In fact, the President of the Council may impose his rule on a hostile majority, whose defeat may be his objective wish at the coming election. It was the case of Clémenceau at the end of the war, of Poincaré from 1926 to 1928, and to a large extent of Doumergue after February, 1934, all of whom, thanks to the backing of public opinion, remained a long time in power in spite of the hostility of Parliament. On the other hand, Millerand after 1919, Herriot after 1924 and later in 1932, Tardieu in his three cabinets subsequent to the elections of 1928, have attempted to lead their majority. This means, for example, that the premier is continually traveling through the country, delivering addresses in order to defend his policies and to gain the support of the people. Yet, none of the last three prime

ministers just mentioned won a majority vote at the next elections.

#### INSTABILITY OF FRENCH CABINETS

But the real problem with which a French premier is faced is not so much to keep the nation behind his majority in Parliament as to maintain this majority. He may find it difficult to keep his ministers in agreement, to accomplish the routine tasks involved in the direction of a ministerial department, to make speaking tours through the country in preparation for the coming elections. Yet all these activities put together are trifling compared to his primary function, which is to form the connecting link between the legislative power and the executive power, namely the civil service with the President of the Republic as a figurehead. In other words the prime minister and his Cabinet stand alone between hammer and anvil. They have two deadly enemies, a Parliament and a bureaucracy, to which a third enemy must be added at times, the President of the Republic.

Figures give a vivid idea of the high rate of casualties in this everlasting struggle between Cabinet and Parliament. Since the foundation of the Republic, sixty-four years ago, France has had eighty-eight different cabinets, which averages less than nine months for the duration of a cabinet. The record of the longest tenure in office is still held by Waldeck-Rousseau whose *grand ministère* lasted two years, eleven months and eleven days (June 22, 1899, to June 3, 1902). Poincaré's last tenure as premier was almost exactly three years, but he reshaped his Cabinet in November, 1928, which means that he really headed two Cabinets in that period.

In all, only seven prime ministers have held their positions as long as two years without a *crise ministérielle*: Poincaré and Clémenceau (twice each), Thiers, Jules Ferry, Méline, Waldeck-Rousseau and Combes. Conversely, the shortest-lived administrations were those of François-Marsal in 1924 and Camille Chautemps in 1930, which lasted only twenty-four hours.

The French President of the Council never knows what the morrow, or even the coming hour will bring him. An indiscreet word, the decision of a minister to punish a delinquent *fonctionnaire*, and out he goes. If, like most Frenchmen, he cherishes the ideal of security, he is constantly on tenterhooks.

How happy in comparison seems the President of the United States, who is at least assured of four years of steady tenure in office! While at the White House, he may have to fight a temperamental Congress, yet he is in no danger of being overthrown. Great Britain's prime minister is responsible to Parliament just as the French premier is, but there is tradition and poise in the Commons and, as a last recourse, the prime minister may call for new elections, in which the people will decide between him and Parliament. In fact, England, since 1870, has had only eighteen cabinets and eleven prime ministers.

Under the present practice, the President of the Council cannot resort to dissolution as a means to check Parliament. He and his ministers are jointly responsible to Parliament for one another's words and actions. Since in a country of individualists many deputies and senators consider themselves qualified for a portfolio, the Cabinet in power each

day renews the tug-of-war with political antagonists, eager to seize their offices.

With such a political point of view and organization, it is a great achievement for a French politician to be intrusted even with the forming of a Cabinet. One may expect a summons of this kind from the President of the Republic only after years of patience, hard work, and clever maneuvering.

The typical case will be given by the college professor, the provincial lawyer, or the country doctor (the members of these professions constitute the majority in Parliament) who cherish political ambitions. Although municipal and departmental politics are the safest avenue to a seat in the Chamber, there is a fair chance that a talented man may win the votes of his constituency, without conceding too much to local politics, the French political machinery being much less hide bound than in the United States. Then, our young deputy nervously enters the cold and majestic Palais-Bourbon.

He first has to learn the lesson of patience. Although the First Republic did not hesitate to appoint twenty-six-year-old men as commanders-in-chief of her armies, the Third Republic is controlled by gray-bearded men who have little desire to help the younger generation to rise to power. Prime ministers, even in their early fifties, like André Tardieu and Pierre Laval, were regarded as exceptionally young for their prominent positions. It seems, indeed, as if the shadow of the little old man who was the first head of the government were still hovering over the Third Republic. Thiers was seventy-four years old in 1871.

Our talented newcomer will have to be satisfied for the moment with membership in some obscure

committee. There he will work hard, gathering data and preparing reports for proposed legislation. When a bill on which he has labored comes up for discussion, he will speak with precision and brevity. His qualities may later bring about his appointment to such important committees as the Committee on Finances or the Committee on Foreign Affairs. There he will have an opportunity to show his ability, to understand and solve grave questions of state.

He also begins to play a rôle in his political group; he influences the decision of this group as a whole to vote for or against the government on a given issue. He may speak cautiously with colleagues in the *couloirs*; he may write brilliant articles for newspapers and periodicals. Or he may never write anything, or give any speech, if he has powerful friends, a sense of intrigue and a flair for the lobbies.

Our man finally comes to be rated as *ministrible*, as Cabinet timber. Some day he may be selected as Under-Secretary for Merchant Marine in some Cabinet reshuffling. Later, if he shows ability or astuteness, he may become Minister of Agriculture. Then, if he further proves his ability by getting through the chamber some such bill as one providing for subsidies to the fertilizer's industry, he may be given some more important portfolio, for instance the Ministry of War. At last he has become a past master in the intricacies of the parliamentary game and the President of the Republic may select him to head a new Cabinet.

When this happens, the man's real difficulties begin. First, he starts searching for a *combinaison ministérielle*. In the French political argot this expression means a combination of men selected from

various political groups in such a way that their presence in the Cabinet will command a sufficient majority in the Chamber. The task of finding the right combination is so difficult that, although the average length of a ministerial crisis has been five days, it has sometimes taken nineteen days to present a new Cabinet to Parliament.

It is not that ministerial timber is ever wanting. Candidates for portfolios are legion and know how to make themselves conspicuous. But the personal associations and contacts of these *ministrables* require as close scrutiny on the part of the future premier as do the political groups to which they belong.

These groups are generally not models of discipline. They are constantly splitting over some political issue, although their ability to put the pieces together is as great as their readiness to fall apart. A desire to please as many groups and as many prominent parliamentarians as possible explains the apparently astonishing fact that Tardieu appointed twenty-eight members to the Cabinet he organized in November, 1929, against the eighteen members in the preceding Briand government.

#### RESHUFFLING THE CABINET

Another principle to be borne in mind by the future premier is the fact that a new Cabinet seldom means an entirely new group of ministers. For instance, in October, 1933, the Daladier Cabinet, whose majority in the Chamber consisted of the Radical-Socialist group, of important elements of the various Socialist groups, as well as of some groups of the Left Center, was overthrown owing to the fact that the left wing of the largest Socialist group,

known as S. F. I. O. (*Section française de l'Internationale Ouvrière*) and headed by Léon Blum, had failed to support it. It would have seemed logical to turn to Léon Blum himself as leader of the most important group of the opposition, to head a new cabinet. But Léon Blum could hardly command one hundred votes after the split which took place within his party at the time of this vote. Although defeated, the Radical Socialist party remained the largest single group in the Chambers with its one hundred and sixty members, so that another coalition Cabinet headed by a Radical-Socialist was formed. Daladier himself could have been intrusted with the task of organizing the new Cabinet, since it was to mean a mere reshuffling of the former one. In fact, Daladier kept his war portfolio in the new Cabinet. But it was Sarraut, the Minister of Marine in the preceding Cabinet, who was asked by President Lebrun to constitute the new Cabinet. Consisting of only one hundred and sixty deputies in a Chamber of six hundred and fifteen members, the Radical-Socialists needed the support of several other groups. Realizing the difficulty of getting the support of Blum's followers, Sarraut shifted the balance of his majority so that it would lean a little more to the Right Center. He kept twelve of the eighteen ministers of the Daladier Cabinet and, among the six new ministers, appointed such a man as François Piétri, who was in three Tardieu and two Laval Cabinets, and is still a member of the Left Republican group which, in spite of its name, is Tardieu's conservative group. This subtle move did not prevent Sarraut's Cabinet from falling less than a month after its organization. Another Radical-Socialist, Camille Chautemps, who was Minister

of the Interior in both the Daladier and the Sarraut Cabinets, was then asked to form another Ministry. His efforts to win the support either of the Left Wing Socialists or of some groups of the Right Center failed. His Cabinet was even more exclusively radical-socialist than Sarraut's, and was doomed to an early downfall.

#### THE "MINISTERIAL DECLARATION"

Supposing, however, that our future premier can form his Cabinet under more favorable auspices than Sarraut or Chautemps at the end of 1933, he will have but a short respite before his first fight with Parliament begins. He has to prepare at once his "ministerial declaration," in which he is supposed to outline his program. While he reads it to the Chamber, the Minister of Justice does the same in the Senate. In drafting that document, he usually is most careful to avoid anything too specific which might give pretext for opposition. It was such opposition that caused the immediate fall of François-Marsal in 1924, and of Chautemps in 1930.

A happy exception to this practice of highly expurgated ministerial declarations was Tardieu's declaration of November, 1929, in which he outlined a comprehensive plan for the economic equipment of the country. Possibly more than any other man in the history of French politics—leaving aside the exceptional circumstances of the war and of the "battle of the franc" in 1926—André Tardieu came into office with the ability and energy as well as the desire to achieve something constructive. Still his achievements were trifling, when compared with his promises. It cannot be said that it was his fault. Tardieu vividly illustrates the way in which the



French parliamentary system invariably succeeds in paralyzing the efforts of the most intelligent and energetic prime ministers.

Having survived his first encounter with Parliament, the President of the Council knows that enemies are watching him from every corner, awaiting his first *faux pas*. His worst foes are deputies who spare no effort to make him feel that he is responsible to them. Deputies who hope to get a portfolio in the next Cabinet immediately plot his downfall. As for the mass of mediocre deputies who cannot hope ever to be raised to ministerial office, their jealousy of any kind of superiority—even the short-lived superiority of a French premier—sooner or later induces them to join forces with the opposition. Although individualism has many admirable features, it generally becomes negative and destructive when associated with mediocrity.

PARLIAMENTARY "INTERPELLATIONS" AND  
"QUESTIONS"

To the average French deputy "discipline is arbitrary, order is reactionary, and authority means tyranny."<sup>29</sup> These three epithets are to be found in most of the "interpellations," the parliamentary procedure by which deputies take turns in heckling the prime minister about any administrative action that may give ground for a hostile vote.

The French government enjoys many prerogatives, among which are the management of a railway system and of the telegraphs and telephones. As a result, pretexts for interpellation are innumerable. Even Jules Ferry, one of the greatest

<sup>29</sup> See André Siegfried, *France, A Study in Nationality*. New Haven, 1930.

premiers the French Republic ever had, was made the target of accusations holding him personally responsible for the cholera epidemic which spread through southern France in the early eighties.

There is, indeed, in the Chamber, a group of professional *interpellateurs*, renowned for their skill in bringing about the fall of Cabinets. Ironically enough, the great champion in this entertaining sport was Clémenceau, who was to rule France with an iron hand at the end of the war.

The prime minister not only has to rebut constant interpellations, but he also has to answer innumerable questions. He has to know everything that transpires in any public bureau; he has to interpret correctly every section of the entangled administrative law. His ministers, of course, assist in gathering data and preparing his answers, but they are also a source of danger for him. He may be held responsible for their mistakes, and may fall on an issue he never heard of an hour before.

Under such a system, instead of devoting most of his time to the performance of his executive functions, the premier must spend days and even nights on the government's bench in the first semi-circular row of the Palais-Bourbon, where he and his ministers look like criminals before a jury. Physical endurance, alertness of mind, grasp of facts, *sang-froid* and the power of sarcastic repartee—he must possess all these qualities and many more to survive a long debate on foreign affairs or on the budget.

Yet the indispensable quality required of a prime minister is eloquence. French deputies, however cold and calculating they are fundamentally, retain enough Latin impressionability to be swayed by skilful oratory.

## THE "COULOIRS" AND THE "COMMISSIONS"

But these ordeals are only a part of the parliamentary activities of a French prime minister. Before he feels ready to face the Chamber, he has to prepare his ground through clever maneuvering in the lobbies. He must seize the opportune moment for conferring appointment on the protégé of Deputy So-and-so. He must, through conversations in the *couloirs*, feel the pulse of the Chamber, and he must know how to change the deputies' temper by a few adroit words exchanged over an *apéritif* at the *buvette* of the Palais-Bourbon.

Further, the President of the Council must be able to handle that enemy called the *commission*. Legislative committees in the Chamber have assumed a tremendous power; they often decide upon policies which are likely to be carried out merely because of their influence. The premier will have to plead before a *commission*, in order to have his own program accepted before it reaches the Chamber. Presidents and reporters of these commissions are frequently ex-ministers, and some intrigue of theirs almost invariably underlies a Cabinet crisis.

## THE CABINET BEFORE THE SENATE

Such are the pitfalls which a French prime minister must cautiously avoid in the Palais-Bourbon. Yet neither is his ground secure in the old Luxembourg Palace, where the Senate holds its dignified sessions. For twenty years after the adoption of the Constitution, the unwritten law continued in effect, that the overthrow of a ministry did not fall within the province of the Senate. In 1896, however, the

upper Chamber overthrew Léon Bourgeois' Cabinet, which was too radical for its taste. Briand in 1913, Herriot in 1925, Tardieu in 1930, and Laval in 1932, successively incurred the Senate's resentment. It is to be expected that the Senate will, in future, be a real menace to conservative Cabinets, for, as will be seen later, it is now practically controlled by the radicals.

#### THE CABINET AND THE POLITICAL PARTIES

A recent development is the possible reaction of a Cabinet to a vote taken by the congress of a political party, as distinguished from the political groups in Parliament. More and More French political parties like the Socialists, the Radical-Socialists, or the Democratic Alliance hold annual meetings, at which they decide upon the policies to be followed by their representatives in Parliament. In November, 1928, a precedent was established when a French Cabinet resigned because of the vote of the Radical-Socialist Congress, which forbade the four Radical-Socialist Ministers of the National Union Cabinet to continue coöperating with Poincaré.

#### OTHER TASKS OF THE PRIME MINISTER

So far, it would seem that the job of a President of the Council is of a purely negative nature: the cautious dodging of countless dangers. But there is more to it than that. He must also manage to be popular with the crowd. He must give careful statements to the press. He must appear at military parades. He must attend important inaugurations. He has to deliver speeches over the coffins of dead generals and statesmen. He must keep in contact

with his constituency. He must preside over banquets and address the annual meetings of his political party.

Think of the life of a man like Herriot who, simultaneously, has been President of the Council, Minister of Foreign Affairs, Deputy, Mayor of the second largest city of France, President of the Radical-Socialist Party, and still finds the time to publish delightful literary works.

But still this is not all. Of late years the French premiers have more and more developed into itinerant diplomats. Tardieu went to the Hague in 1929, Laval went to Berlin and to Washington in 1931, then to Geneva in 1932. Even these trips do not provide a respite from the premier's struggle with Parliament. Tardieu was overthrown while he was at the Hague Conference. Laval was, in turn, overthrown while attending the Disarmament Conference in Geneva.

#### INCOMPETENCE OF FRENCH MINISTERS

With so many diverse activities and in the face of so much opposition, it is not surprising that French Cabinets cannot remain long in power. Laymen, not only abroad but even in France, who observe this situation are very critical of a political system which, they feel, leads to chaos. No doubt this whirlpool of French cabinets is somewhat disturbing to contemplate. It is particularly difficult for a layman to understand how a politician who is, by profession, a lawyer, a doctor, or a college professor, can, after a few years in Parliament, become an expert in so many fields that he can preside over the destinies of the French colonies and, after a short time in this

department, be shifted to the Ministry of Justice;<sup>30</sup> or how a Minister of Justice can suddenly become so versed in public finances that he can qualify as Minister of the Budget,<sup>31</sup> or, again, how an Under-Secretary for Foreign Affairs can become overnight so proficient in the knowledge of airplanes as to be appointed Air Minister.<sup>32</sup> As the great pre-war journalist Robert de Jouvenel wrote in his brilliant essay on French politics, "Competence in parliamentarians, even at its best, is not necessarily conspicuous nor of long duration. A man who has been a captain in the active army or merely a major in the territorial may find himself heading the Ministry of War. Any chemical engineer who has studied something about explosives may revendicate the Ministry of Marine. Any pharmacist or jeweler may have the ambition to rule the Department of Commerce. A justice of the peace in the colonies feels competent alike to head the Ministry of Colonies, that of Commerce, of Public Education, of Foreign Affairs—and it certainly is the most noteworthy case of extended jurisdiction that a justice of the peace has ever known."<sup>33</sup>

<sup>30</sup> Albert Dalimier became Minister of Colonies in the Daladier Cabinet on September 6, 1933, and then Minister of Justice in the Sarraut Cabinet (October 27 to November 24, 1933).

<sup>31</sup> Abel Gardey who was Minister of Justice in the first Daladier Cabinet (December 18, 1932 to January 28, 1933) became Minister of the Budget in the Sarraut Cabinet.

<sup>32</sup> Pierre Cot, a former professor of international relations, who did excellent work as Under-Secretary of Foreign Affairs in the first Daladier Cabinet, was rewarded by a promotion to the Air Ministry in the second Daladier Cabinet.

<sup>33</sup> Robert de Jouvenel, *Le république des camarades*, Paris, 1914. New edition with a foreword by Paul Morand, Paris, 1934, p. 100. Albert Thibaudet who himself has written a penetrating analysis of the French political psychology, speaks of Jouvenel's book as being with Alain's writings, "the best piece of real political psychology that men belonging to the left parties have ever produced," *La république des professeurs*, Paris, 1927, p. 39.

This raises the long-debated issue of the incompetence of French Cabinet officers. There is no doubt that the average French Minister of Marine has a very vague notion, if any, of Nelsonian tactics, or of the principles of hydraulics involved in the operation of a submarine. Likewise, the War Department may be headed by a professor of history<sup>34</sup> or by a former army sergeant.<sup>35</sup> If, at least, such men could remain in office for a period of years, they might learn enough of the technicalities of their department to make up for their ignorance at the start. Instead, they are forced to resign after a few months, or at best after a year or two, and, when they are restored to power, it is usually in another department. Naturally, it would hardly do to put at the head of an automobile concern someone who does not know the principle of gasoline engines. Such a thing may happen at times under capitalism. Yet it is not a very frequent occurrence, whereas incompetence is the rule among French ministers.

However, a minister is not open to attack on the ground of incompetence unless he is the executive officer of his department. It was true under the Old Régime. The king's ministers were selected by the king because of their fitness. Through the seventeenth and eighteenth centuries, they progressively organized the various civil bureaus as well as the military structure of France. The French Revolution and Napoleon merely put the finishing touch to this monarchic edifice, which has endured to this

<sup>34</sup> Daladier was a professor of history.

<sup>35</sup> This was the case of Maginot who, however, was regarded as one of the best French War Ministers. It must be said that he was not a professional non-commissioned officer, but became sergeant during the war.

day without fundamental changes. These bureaus rule France very much in the same way as they did under the kings or the Great Emperor. The executive officers who are at the top of these bureaus are not the ministers but the directors who head the various divisions in each ministry. There even may be divisions which enjoy practical autonomy within a given department, as the Customs Division in the Ministry of Finances. In the Ministry of Foreign Affairs there is a Secretary General, who is the superior officer of all the divisional directors. He is the French Secretary of State in the sense of a Richelieu, a Choiseul or a Talleyrand, whereas the Ministry of Foreign Affairs is by no means the executive officer of the French Foreign Service.

#### THE POLITICIANS VS. THE BUREAUS

The bureaus are, therefore, the real executive power in France. They are intrusted with the task of enforcing the laws. These laws are voted by Parliament, which is supposed to be the emanation of the people. But in the legislative process, too, the influence of the bureaus is paramount. The new bills are proposed either by the Government, in the form of a minister, or by a member of Parliament. In the first instance, the new bill is prepared in the minister's bureaus by technicians and experts whose competence the minister seldom questions. In the second instance, the new bill is prepared by a deputy or a senator, and then studied by a Chamber or Senate committee on the basis of data usually provided by the bureaus. In fact, Parliament is just as incompetent in the legislative sphere as the Cabinet is in the executive field. This is the logical result of



the fact that the voting public does not elect technicians. The average citizen votes for political principles, or succumbs to the power of eloquence. Even a good lawyer who is elected deputy will usually make a poor legislator. With such a method of recruiting, Parliament finds it impossible to prepare bills which show the harmonious architecture and detailed perfection of the Civil Code. Most of the important bills are far from complete in every detail. They actually leave room for a decree which fills the gaps and provides in greater detail for the agencies and ways of enforcement. Such a decree is supposedly prepared by the "competent" minister. But this minister hardly does more than affix his signature to it. The decree is actually worked out by specialists in the bureaus. Finally, the hierarchy of *fonctionnaires* which spreads from Paris to the remotest village in a complete network proceeds to enforce the bill. In so doing, they may raise such practical difficulties, and find pretexts for such delays, that the bill may remain *lettre morte*.

Moreover, the French public, although it enjoys the well-deserved reputation of invariably resenting any kind of authority, is astonishingly submissive to the tyranny of the administration. The French *fonctionnaires* seem to have inherited much of the prestige enjoyed by the officials of the *Ancien Régime*, who reflected from a God-appointed king a spark of divine authority. The high *fonctionnaires* of the Third Republic usually come from the best families which are proud of their unbroken record of state service. A director of a division in the Ministry of Finances is reported as having replied to his minister who suggested a raise in the modest

salaries paid to his subordinates: "The *fonctionnaires* in my service are sufficiently paid in the form of prestige."<sup>36</sup> The officials occupying a less illustrious position have nevertheless a high opinion of their prerogatives and a rural gendarme snubs the well-to-do farmer of his district. The prestige of officialdom in France apparently impresses the average Frenchman, who seems still imbued with the traditional respect due a representative of the State. The handbook given by the French Automobile Club to applicants for a driver's permit states, "the candidates must be deferential with the inspector, whose function is a form of public service."

Yet the average Frenchman vividly remembers that his ancestors fomented several revolutions to rid the country of tyranny. Thanks to their inherited submissiveness they are still willing to put up with a great deal of abuse. But when their sense of justice and their longing for liberty are stirred by unwarranted severity, they write to their deputy who in turn introduces an interpellation in Parliament. The minister who heads the department guilty of this offense against a respectable elector will have to answer the charges. His failure to take quick steps to check the abuse may bring about the overthrow of the Cabinet.

On the other hand, fear of being overthrown operates preventively. Ministers do not wait for an interpellation to detect the abuses in which their subordinates are so apt to indulge. They are constantly on the lookout.

\* He was the director of the *Enregistrement et Domaines*, a very "aristocratic" bureau dealing with the official recording of legal documents and with the administration of the public domain.

## THE MINISTERS AS MERE CONTROLLERS

In other words, the ministers, in the French administrative organization, are not the executive officers of their respective departments; they act as mere controllers. The prime minister is not the head of the bureaus, he is merely the delegate of Parliament, whose task it is to prevent the *fonctionnaires* from abusing their powers. Each minister in turn controls a branch of the civil service or of the military organization, which, left to itself, would doubtless tyrannize the people. The members of the Cabinet are merely the guardians of the public liberties. They try to prevent any encroachment upon them.<sup>37</sup> If they prove themselves unable to safeguard the public against the dictatorial rule of the bureaus, Parliament destroys them, and since the bureaus are not easy to manage, it is not to be wondered at that a fall of the Cabinet is a frequent occurrence in French parliamentary life.

## THE BUREAUS VS. THE MINISTERS

After Parliament, the bureaus are the great enemies of all ministers. As soon as a newly appointed minister has moved to his luxurious palace, he has to face *le fonctionnaire*, who has been in office so long a time, who has seen so many ministers come and go, who has served under so many political doctrines, but who feels at home in the service, and looks upon the newcomer, his temporary master, with a trace of indulgent scorn. Even if he recognizes the ability or the flair of a minister, he despises him a little for his ignorance of the complicated gears of

<sup>37</sup> See Alain, *Eléments d'une doctrine radicale*, Paris, 1925, pp. 14ff.

his bureaus and of the subtleties of administrative formulae. And even if the minister were endowed with administrative genius, the *fonctionnaire* is well aware that he alone knows the administrative routine. "From this instant, the conflict is born. The minister distrusts the bureaus; but the bureaus fear the minister. Perhaps the distrust of the former is as well grounded as the fear of the latter; in any case, one can imagine that they may collaborate with cordiality, but never with confidence. The minister alone can issue orders, but the *fonctionnaire* alone can decide upon the execution of such orders. . . . Whatever length of time a minister may remain in power, he is 'a stranger,' he sometimes is 'an enemy.' The 'career' mentality which permeates the Ministry of Foreign Affairs is notorious, but it is to be found to the same degree in all of the other state bureaus."<sup>38</sup>

Ministers are to such an extent the tools of their bureaus and the victims of their own incompetence that the only real executive function that a minister performs is to sign the decrees and orders prepared by his bureau. Before he has been in office an hour, the head of a bureau comes to him with a document prepared by some *fonctionnaires*, concerning a matter of which he has never heard till that moment, which must be signed instantly, and with a respectful bow of obedience the high official indicates to the minister the place for his signature. And the minister signs. Perhaps he will think that he is in danger of being overthrown before the decree he has just signed is enforced. But this does not matter. His name attached to the document endows it with

<sup>38</sup> Robert de Jouvenel, *op. cit.*, pp. 100ff.

life. The decree will continue to be in force after he is gone.

Some ministers, especially at the start, may try to find out what they are signing. But they are so hopelessly lost in the complicated machine which they head, they are so occupied with countless other tasks, such as attending sessions in Parliament, giving speeches in the provinces, and so forth, that, before long, their desks become piled up with documents at which they have not even glanced. Chaos will spread through the administrative machine and, very soon, the ministers have to abandon the hope that they will ever know what they are required to sign.

The minister who displayed the greatest obstinacy in his struggle against the bureaus was undoubtedly Camille Pelletan, who headed the most technical of all ministries, the Ministry of Marine, in the Radical-Socialist Cabinet organized by Combes in 1902. Both witty and learned, he was a picturesque bohemian, an habitué of the boulevard cafés, but above all a true radical-socialist, an enemy of tyranny, especially the tyranny of the *fonctionnaires*. He found himself sitting at the desk which was once Colbert's in the magnificent Ministry of Marine on the Rue Royale. His first gesture, of symbolic significance, was to send to a near-by café for a glass of beer which he drank with delight on the desk of Louis XIV's greatest minister. Then he started at once to fight against his two enemies: the bureaus and the navy-yard contractors. He decided not to sign any document prepared by his aristocratic subordinates until after a personal investigation. (The French navy is by tradition a very aristocratic institution.) He also decided to cease issuing

new contracts until he could ascertain the complete integrity and competence of the bidders. As a good demagogue he gave encouragement to the syndicate of arsenal workers, with the result that the French naval arsenals are to-day communist strongholds where navy officers are freely insulted by bolshevist iron workers who build warships for the next capitalistic war. Disorder and chaos spread through the French navy. But Pelletan was obdurate. He appointed non-professional lay committees to help him, in his attempt to check the bureaus and to investigate the contractors. Things went from bad to worse. Unfortunately warships are very delicate machines. A series of accidents and explosions occurred, killing many sailors and, in the end, Pelletan had to go. But the story goes that, upon leaving, he rubbed his hands with glee, muttering: "They will be clever if they can fight a war with the navy I fixed up for them."<sup>39</sup>

Compared to the ordinary French minister, Pelletan is what a caricature is to a photograph. Yet a caricature always contains a great deal of truth, and it may be said that an ordinary French minister is a suppressed Pelletan.

It is for the sake of democracy that Pelletan and his disciples try to subjugate the bureaus. But it is democracy which in turn makes it so difficult for them to impose their will upon the recalcitrant *fonctionnaires*. Under the kings the *fonctionnaires* had tremendous power but they were responsible to their superiors, and ultimately to the Cabinet ministers and to the king. When they failed to use their tyrannical prerogatives according to orders, they

<sup>39</sup> This anecdote is reported by Daniel Halévy, *La république des comités*, Paris, 1934, p. 61.

were summarily dismissed without any possible recourse. This principle was still in force in the early days of the Third Republic. But with the progress of democracy the *fonctionnaires* have formed associations and syndicates which have become so powerful politically that they have obtained statutes providing for promotions, raises in salaries, and dismissals in such a way that a *fonctionnaire* may be grossly incompetent, and yet never be dismissed and even be promoted, unless he is guilty of a very grave offense. The *fonctionnaires*, who are the born enemies of democracy, have made use of the democratic ideal to their own advantage, thereby rendering their position impregnable. In France, the best way to get rid of an official who is incapable or negligent is to promote him and send him somewhere else with a higher rank and a better pay. As the socialist deputy Emmanuel Brousse writes: "You read in the *Journal Officiel* lists of promotions, of salary increases, lists of decorations. When have you seen a list of dismissals? Never. Decorations are the rule, dismissals the exception." No government can exist without the power of removing inefficient, incompetent, or corrupt officials. Because of the principles of democratic government, which do not permit of disciplining the personnel, the French minister has a weak hold over his bureaus.

#### THE PRESIDENT OF THE REPUBLIC VS. THE CABINET

A third possible enemy of the Cabinet who seems negligible in comparison with Parliament and the bureaus, is the President of the Republic. It is true that the president cannot do anything without the assistance of a minister, but it is conversely true that the ministers cannot proceed to the most important

acts of government without the president's signature. The President of the Republic usually yields to his prime minister. Yet the conflict may become acute, as between Thiers and Dufaure, Mac-Mahon and Jules Simon, Jules Grévy and Gambetta, Casimir Périer and Charles Dupuy, Poincaré and Clémenceau. The conflict once led to the resignation of the Cabinet. This happened when Millerand attacked the policies of Briand while the latter was at the Cannes Conference.

#### CONCERNING SOME GREAT FRENCH PRESIDENTS OF THE COUNCIL

Thus beset with perils on every side, French Cabinets come and go like the beam of an ever-revolving lighthouse at night. Yet some French premiers have managed to remain in power for a long time. Four men illustrate the fact that a great statesman may rule the country even against such odds: they are Méline, Waldeck-Rousseau, Clémenceau and Poincaré. The last two, particularly, ruled France with an iron hand while keeping within the limits of their constitutional powers.

Although a radical-socialist, Clémenceau did not profess the anarchistic individualism of his party. To him, only a strong state can protect the individual. Without it, liberty merely aids the powerful to crush the weak; it is "organized murder." In spite of this conception of a democracy highly antagonistic to the Radical-Socialist majority elected in 1906, Clémenceau managed to remain in favor, after ousting Sarrien, until the summer of 1909. He faced the problem raised by the growing power of the associations and syndicates of *fonctionnaires* without



solving it. He prepared a bill providing the organization of such associations and syndicates, but forbidding them to join federations of labor such as the *Confédération Générale du Travail*. The syndicate of public-school teachers transgressed this interdiction. Clémenceau summarily dismissed their leaders, for he believed in governing by disciplinary measures rather than by awards. In 1917 Clémenceau was again selected as premier, this time by Poincaré, who detested him. He remained in power throughout the war and the peace negotiations, in spite of a hostile Parliament.

From 1926 to 1929 Poincaré was the virtual dictator of France. Though disliked by the majority in Parliament, his prestige made his appointment inevitable when the monetary crisis had reached a tragic stage. He was not a financial expert, and Caillaux had drafted all the financial measures that Poincaré forced upon Parliament. Where Caillaux had failed because he did not enjoy the confidence of the public, Poincaré, that "lawyer for bankrupt estates,"<sup>40</sup> succeeded. But Poincaré did not conceive of politics as an art to please the elector; politics to him meant the service of the state. That is why he was a statesman and not a mere politician, whereas Laval, for instance, is a politician and not a statesman. Poincaré imposed heavy taxes on the French nation, whereas Laval throughout 1931 postponed the funding of the debt which was required by the interest of the state but might have made him unpopular. Yet of the two men Poincaré was the more popular, or at least was held in greater esteem.

<sup>40</sup> As Emmanuel Berl called him.

## CONCLUSION

In conclusion, it may be said that if the French system of Cabinet Government is full of flaws, as are all human institutions, it works relatively well when the ministers and especially the prime ministers are able statesmen. The hostility of Parliament, the difficulty of controlling the bureaus, the possible lack of presidential support, have little effect on a Cabinet headed by a real statesman, composed of able and honest ministers, and enjoying the confidence of the people.<sup>41</sup> Cabinet prestige balances parliamentary majorities. At this stage of our study, it seems fair to say that the crying need of French governmental policy is not a new Constitution, but statesmen of superior caliber.

## SECTION III: THE CIVIL SERVICE

## HISTORICAL BACKGROUND OF THE CIVIL SERVICE

A GERMAN critic once wrote of France: "The French are very much like the Chinese, they learn nothing from foreigners. They think that they sprang from Jupiter, and their civil servants are mandarins with one, two, or three buttons. The Chinese civil service must be very similar to the French; in fact, one speaks of the *chinoiseries*<sup>42</sup> of French bureaus. In fairness, one should add, however, that the Chinese have many children, work hard and do not change their ministers as often as their shirts."<sup>43</sup>

<sup>41</sup> See Gerville Réache, *Le régime et l'intérêt général*, Paris, 1934, p. 83, with a preface by Germain-Martin, now Minister of Finance.

<sup>42</sup> Meaning all the complications and vexations which are inseparable from the functioning of French bureaus.

<sup>43</sup> Dr. Rommel, *Au pays de la revanche*, Genève, 1886, p. 135.

Even allowing for the prejudices against France which persisted in Germany long after the war of 1870, it remains true that France, like China before the fall of the Empire, is administered by a hierarchy of mandarins, who, like the Chinese mandarins, are recruited through a system of examinations, and constitute a caste which in fact rules the country.

Constitutional lawyers make a subtle distinction between government and administration. To them government means the laying down of general policies which it is the task of the administration to put into working order and then to enforce. For instance, the Constitution of September 1791 attempted to mark clearly this distinction by creating administrators who, being elected by the people, would be completely independent of the government proper. This could only mean anarchy. As the preceding section attempted to prove, there can be no separation between administration and government, and if administration is made synonymous with Civil Service, the French Civil Service is the real executive power, while the government proper is a mere controlling body. In other words, the real distinction is between the function of management and the function of control; and the first function is in the hands of the French Civil Service.

The present organization of this service was inherited from the *Ancien Régime*. Until Henri IV, the landed aristocracy had managed to maintain many of its feudal prerogatives—the most important of which was the control of local government. Under Louis XIII, Richelieu led a successful struggle against the *grands seigneurs*, who finally submitted to the king and his local representatives.

After the failure of the *Fronde*, the administrative centralization of the country made swift progress under Louis XIV. The Great King attracted the nobility to his court, and, as a consequence, the influence of the landed aristocracy over the provinces waned. A provincial governorship became a mere honorary position. The real local rulers were the *Intendants*, recruited from the bourgeoisie, hostile to the nobility, and ruling in the interest of the king to whom they owed everything. Despite their grave defects, Louis XV and Louis XVI strengthened the system of autocratic and centralized government inherited from their predecessors.<sup>44</sup> The Revolution completed this edifice of monarchic centralization by doing away with all of the local inequalities and provincial privileges with respect to law, taxes, trade regulations, and administrative organization. It was on this solid and well-prepared ground that Napoleon I built the administrative system which has remained practically unchanged to this day.

These monarchs had built this civil service so that they could enforce their will in the remotest corner of France through an obedient hierarchy of *fonctionnaires* whose duty it was to stamp out any attempt at resistance. It was an admirable machine for autocratic government. Under competent statesmen like Colbert, Turgot and Napoleon, this machine functioned with marvelous efficiency. Competent *fonctionnaires*, recruited among the bourgeois élite, were handling all its wheels, and the rulers knew how to keep them on the alert by granting favors to their best servants, and summarily dismissing the incompetent and corrupt officials with impartial justice.

This incomparable administrative machine was

<sup>44</sup> Pierre Gaxotte, *Le siècle de Louis XV*, Paris, 1933.

not democratic enough to endure. The French have showed in the past their willingness to accept a competent dictator. They will always overthrow an incompetent autocracy, or one motivated solely by lust for power. In other words, this administrative machine lacked a representative body to act as its guide, and as a barometer of public opinion—thus obviating popular uprising. It is not inconceivable that Louis XIV could have ruled with Parliamentary assistance, and yet maintained the principle of autocracy. In such a case the king would have gone to the elected representatives of the people only for advice enabling him to feel the pulse of the nation. Through such a parliament, acting in a strictly advisory capacity, the Bourbon king would have learned that France resented such extravagance in Versailles, so many wars, such unfair taxes and the concentration of privileges in the hands of a favored minority. Had he and his successors been aware of popular opinion there might not have been a revolution. But theirs was a pampered existence amid the splendors of Versailles, and their ears, deafened by the adulations of courtiers, failed to catch the distant echoes of the people's murmurs. Louis XIV's pride was responsible for the Revolution, rather than Louis XV's debauchery or Louis XVI's inertia. By substituting an elaborate system of court etiquette in place of the austere tradition of his ancestors, by transferring the court from Paris to Versailles, by assuming the rôle of a demigod, Louis XIV lost contact with public opinion and bequeathed to his successors this fatal indifference. To be sure, public opinion is not always a good guide. Public opinion backed Louis XIV in the Revocation of the Edict of Nantes, which is generally regarded now as one of

the greatest blunders of the reign. As Faguet puts it: "It is precisely when some extraordinary circumstance arouses popular feeling to the highest pitch that it is most inadvisable to yield to it; yet such an occasion furnishes the true statesman with valuable insight into the desires of the people; hence the need for universal suffrage. As to complaints, they must by no means be disregarded; they must not be suppressed; hence the need for universal suffrage."<sup>45</sup>

#### THOSE WHO REALLY GOVERN FRANCE

Assuming such a premise, the French republican system seems ideal, for it combines the energetic administrative machine of the *Ancien Régime* with the democratic principle of universal suffrage. Unfortunately, the votes of French Parliament do not serve merely as an indication of public opinion which the administration has to take into account, either positively as regards complaints, or negatively when it is merely a matter of popular passion. These votes are imperative, and since—as a later chapter will show—French Parliament adequately represents the people with all its incompetence and emotionality, it would be dangerous to enforce them to the letter. It is this Civil Service which is the real executive power of France, which prevents a blundering Parliament from working against the true interests of a blind nation, gives continuity to a government whose instability is the talk of the whole world, enforces the supremacy of capitalistic interests, maintains the political power of a social caste in a nation where economic and social inequalities are detested, and carries on imperialistic policies in a world that France "saved for democracy." In this lies the real

<sup>45</sup> Emile Faguet, *Le culte de l'incompétence*, Paris, 1921, p. 18.

executive power of France, an executive power which, theoretically, is the obedient tool of a democratic parliament, and is closely scrutinized by the ministers, acting as the parliament's delegates, but which, however, in actual practice, continues to govern France as it has been doing for the past three centuries. The flag has changed, the slogans are different, the façades of public edifices proclaim a revolution, but France keeps an anti-democratic organization. France is dominated by a handful of economic magnates. France still bows to her counts and marquesses. France has created a republican nobility of high officials and parliamentarians enjoying privileges worthy of the *Ancien Régime*. Yet the French republican government is one of the most stable in Europe because, in spite of all these injustices and inequalities, the average Frenchman under the republic has gained a sense of dignity. He knows that no social organization is perfect; he knows that those who are more intelligent or more adroit than he will win their place in the sun, but he is content with his own modest place as long as the one who possesses, the one who rules, does not abuse his power. He has organized local committees, a free masonry, and innumerable syndicates which defend him better than parliament against the "Important Ones," as Alain calls them. He is perfectly satisfied never to be an industrial magnate, a successful banker, nor even a prosperous retailer, as long as he is given the right to protest against extreme injustices. He is happy, extremely happy without bathtubs and telephones because, little though he has, this little suffices for economic independence; he has "an unlimited provision of white bread and red wine."<sup>46</sup>

<sup>46</sup> F. Sieburg, *Dieu est-il français?* p. 17.

The average Frenchman finds his reward in the deep satisfaction he feels when, after a long day's work and a wholesome dinner, he "pulls up a chair outside his front door and waits for the first star to appear."<sup>47</sup>

This explains the psychology of those *fonctionnaires* who frowned upon a raise in salary, because they were sufficiently paid with prestige. This sense of dignity, this satisfaction in the task well done, however modest, has been responsible up to the present time for the strength of the French Civil Service. It may not be comparable to the English Civil Service, but so far it has accomplished its purpose at least efficiently, and in many instances admirably even if not perfectly. Here, as in most human institutions, the organization means less than the men who are in it. French Civil Service will be studied presently both as regards its organization and its personnel.

#### ADMINISTRATIVE CENTRALIZATION

The administrative organization of France is based on the principle of centralization. Each bureau is controlled by its respective ministry in Paris, which coördinates its activities with those of other bureaus. In each *département* or group of *départements*, the instructions issuing from Paris are successively transmitted from the high officials to their immediate subordinates, and so on down to the humblest *fonctionnaire*. On the other hand, when the local agent is faced with questions that he may not solve on his own authority, he goes to his immediate superior and so on through the whole hierarchy, up to the head of the bureau in Paris. The latter makes a

<sup>47</sup> *Ibid.*, p. 18.



decision which may or may not require the signature of a minister, and this decision is forwarded to the local agent through the whole hierarchy of *fonctionnaires*. It is, of course, an exaggeration for Jouvenel to say, "At Brest, when the flag of a coast-guard cutter is so faded that its nationality can no longer be ascertained, the Minister of Marine alone can authorize the appropriation of the 4.85 francs required to replace it."<sup>48</sup> But this remark illustrates the famous "hierarchical procedure" of France's administrative system. For example, when a professor at the Autun College for Boys wishes to be transferred or promoted, he must address his request to the principal of his college, who will transmit it, with comments, to the Academy Inspector at the head of the educational bureau of the *département* of Saône-et-Loire; it will then be forwarded with further comments to the Rector of the Académie<sup>49</sup> at Lyon who will submit it to the Director of Secondary Education at the head of one of the sub-departments of the Ministry of Education in Paris. Some assistant to this Director will study the college professor's *dossier*. A decision will be made, and the minister will sign it. This decision will likewise filter down through the same hierarchy. The whole process is a trifle slow, but it is designed to enable the heads of the various bureaus to be aware at all times of what is going on in the remotest parts of the system.

The centralization process had gone on in France under the kings, especially throughout the seventeenth and eighteenth centuries, but they found it very difficult to undermine provincial privileges and

<sup>48</sup> Robert de Jouvenel, *op. cit.*, p. 120.

<sup>49</sup> A group of several *départements* for educational purposes.

institutions based upon uncompromising historical traditionalism. One of the first tasks undertaken by the Constituent Assembly elected in 1789 was to introduce complete uniformity in the administrative organization of the country. Large provinces were cut into several departments. Some departments were formed of sections taken from various provinces, and every department was put on an equal footing. This uniform administrative structure of the country has been retained to this day, and still functions in much the same way as under Napoleon I, with only two major exceptions introduced by the laws of 1871 and 1884, which transferred some of the powers of the state-appointed administrators in the *départements* and the communes to locally elected officials.<sup>50</sup>

#### REGIONS AND "DÉPARTEMENTS"

France is now divided into ninety *départements*, including Corsica and the three *départements* of the recovered territory of Alsace-Lorraine, to which must be added the territory of Belfort. The latter was a part of the *département* of Haut-Rhin before 1870, and was kept by France in accordance with the terms of the treaty of Frankfort, and was then organized as a separate administrative unit headed by a *préfet*.

Some *départements* may be grouped into distinct units as far as a particular branch of the administration is concerned. For instance, there are twenty-one military "régions," in each of which an army corps is stationed. Under the "région" commander

<sup>50</sup> For example, the mayor who was formerly appointed by the government is now elected by the municipal council in every city except Paris.

are two or three divisions commanded by a division general. Each division consists of two or three brigades under the command of a brigadier general. Each brigade consists of two regiments under the command of a colonel. In each division there is also an artillery group, and various units of tanks, aviation, etc. . . . In each army corps, likewise, there are units of specialized troops and bureaus such as ordnance, recruiting, arsenals, and a complex organization for military preparation of youth and for the training of reserves.

There are twenty-six judicial *ressorts*. In each *ressort* there is a court of appeals under which there is a tribunal of first instance in each *arrondissement*,<sup>51</sup> and a justice of the peace and police court in each *canton*.<sup>52</sup> There is also in each department a court of assize, which meets once every three months in order to try, with the aid of a jury, the gravest criminal offenses, technically known as *crimes*. The tribunal of first instance sits as a civil or as a criminal court. In the latter capacity it has jurisdiction over all misdemeanors, and is known as a correctional tribunal. In the more important *arrondissements* the tribunal of first instance is divided into several chambers, which specialize in civil and criminal cases, although their magistrates follow a rule of rotation. In each *arrondissement* there is also a tribunal of commerce, consisting of judges elected by the business men of the district. These tribunals have jurisdiction over the commercial cases in first instance. In appeal they are tried before the court of appeals. Above the twenty-six Courts of Appeal

<sup>51</sup> The *arrondissement* is the subdivision of a *département*. See later.

<sup>52</sup> The *canton* is the subdivision of an *arrondissement*. See later.

there is in Paris a court of last recourse; the Court of Cassation.

For educational purposes, there are seventeen *Académies*. At the head of each académie is a *Rector*. He is, first of all, the president of the local university which consists of four faculties: law, medicine, science and letters, and of a variable number of semi-autonomous schools and institutes. The dean acts as the executive officer of each faculty. The rector is also the administrative supervisor of all primary and secondary schools in his *ressort*. He is assisted in this task by as many academy inspectors as there are *départements* under his rule. The secondary schools consist of *lycées* and colleges. As a rule, there is one *lycée* in the most important city in each *département*, although there may be several *lycées* in a city of sufficient importance to warrant such a number, or, again, there may be but one *lycée* for several cities in the same *département*. The colleges which have the same curriculum as the *lycées* are located in the smaller cities, and there is usually one in each *arrondissement*. As the needs of the population of growing boroughs warrant it, secondary schools are formed, later to be converted into colleges. The boys' schools and the girls' schools are separate, and so far there have been more boys' schools than girls' schools, and the requirements of the former have been more stringent. But gradually the gulf is being bridged. At the bottom of the scale there are the primary schools. There is at least one in each commune. When the commune is very small there may be just one school with one teacher, who will have to teach all the girls and boys of varying ages. In the larger communes there are separate schools for boys and girls, and as the number of stu-

dents justifies it, several *instituteurs* will be teaching various ages. In the still larger communities there are junior high schools which really provide secondary education. Each academy inspector is assisted by primary inspectors who supervise the primary schools. There are also general inspectors for the secondary schools who, contrary to the principle of hierarchy, are not the subordinates of the rector, but the direct envoys of the minister. The minister at the top of the hierarchy is assisted by his bureaus, which are divided into three main Divisions, the Division of Higher Education, having jurisdiction over the universities, the Division of Secondary Education and the Division of Primary Education. He is also assisted by a consultant body composed partly of elected members and partly of ex-officio members known as the Council of Public Instruction, and each rector is in turn assisted by a similarly appointed body known as the Academic Council. Each university also has an administrative council or board of trustees, and the same principle obtains in each secondary school.<sup>53</sup>

With the development of technical schools, a separate sub-department has been created, and this department is controlled by an under-secretary. There are also agricultural schools under the jurisdiction of the Ministry of Agriculture, military schools under the jurisdiction of the Ministry of War, and a school for the training of colonial administration under the jurisdiction of the Ministry of Colonies.

Nevertheless, the regional grouping of several *départements* for certain administrative purposes is

<sup>53</sup> Cf. Robert Valeur and Jacques Barzun, *The French Lycée: its Roots and its Fruits*, *Columbia University Quarterly*, December, 1932.

the exception. To all intents and purposes the *département* forms, in the administrative hierarchy, the connecting link between the ministry, department, sub-department, or division in Paris. Such is the case, for example, in all financial matters. Under the Minister of Finances there are bureaux in charge of direct taxes, indirect taxes, *enregistrement*. Each of these bureaux in Paris is headed by a Director-General, who, although he enjoys a considerable degree of autonomy, is the immediate subordinate of the Minister of Finance. In each *département* there will be a departmental director for direct taxes, indirect taxes, *enregistrement*, assisted by a certain number of inspectors. In each *canton*, except the very small ones, there is a local agent of this bureau. The same principle obtains with the postal service, the customs, highways and bridges, forests and rivers, etc.

#### THE PRÉFETS

Much has been said against this uniform administrative structure. Notwithstanding its apparent harmony, this system undoubtedly raises the question as to whether every *département* should necessarily have a chief engineer for highways and bridges, and a high official charged with the supervision of the levying of indirect taxes. *Départements* vary widely in population and in economic importance, and a more economical, as well as a more logical division of the country according to economic interests is readily conceivable. Yet all attempts at such a division have failed, because the Third Republic has adhered to the Napoleonic principle that the *préfet* who is the political head of the *département*

*ment* should control all the technical bureaus in the *département* through their departmental directors.

Although France is a small country as compared to the United States, the underlying idea of this intricate bureaucracy is that the political control of France cannot be insured solely by the functioning of the central bureau in Paris, but requires a close network of political agents appointed by the central government, the *préfets* and the *sous-préfets*, whose task it is to check the political orientation of the specialized *fonctionnaires*. Just as the ministers are delegated by the people, to supervise the *fonctionnaires* in the performance of their administrative duties, so the *préfets* and *sous-préfets* are in each *département* and *arrondissement* the local agents of the ministers, by whom they are in turn delegated to supervise the *fonctionnaires* in their respective districts. In other words, just as the ministers are not administrators but mere controllers, the *départements* and *arrondissements* are theoretically a mere administrative division; in actual practice they are a division for political control.

Being mere political agents of the government in the *départements*, the *préfets* are not required to hold any special degree, or to prove their proficiency in any technical field. Anyone can be appointed *préfet*, but any *préfet* can be dismissed at any time by the government which has appointed him. This is as consistent as the power of Parliament to overthrow cabinets at will.

The immediate superior of the *préfet* is the Minister of the Interior, and although a *préfet's* power is not what it used to be under the Empire, he still plays so important a rôle in the control of the politi-

cal orientation of the country that the Ministry of the Interior is one of the most coveted portfolios.<sup>54</sup>

In his *département* the *préfet* controls not only the bureaus which are under the jurisdiction of the Ministry of the Interior such as the penal branch of the civil service, but all the officials in the *département*—judges, teachers, army officers, etc. He has for each of them a *dossier* filled with documents concerned less with their professional merits than with their political tendencies and affiliations. Yet the *préfet* is not content merely to supervise the enforcement of the general policies of the government; he also makes a great number of technical decisions because of the Napoleonic principle of the supremacy of the political over the technical.

The *préfet*, for instance, who, as often as not, holds no academic degree, makes all decisions regarding the appointment and promotion of primary school teachers. Although the academy inspector is the technical agent in this domain, it is the *préfet* who, as political agent, makes the decision. In the same sense, it is not the departmental chief engineer for highways and bridges who gives a French citizen permission to build a bridge over a state highway, it is the *préfet*. And the same rule prevails in every technical branch of the administration.

That the *préfet* in each case will seek the advice of a skilled specialist before making a decision is certain; that the *préfet*, in most cases, will simply endorse the expert's view, is equally certain. Yet the *préfet* is empowered to overrule the *fonctionnaires*, because a centralized government must beware of allowing the decisions of experts to be invariably carried out, since at times such decisions, by virtue

<sup>54</sup> See above, p. 306 and footnote 22.



of their impartial detachment, run counter to the general policies of the state.

Another important vestige of the Empire is the police power accorded to the *préfets* in accordance with section 10 of the Code of Criminal Instruction. A *préfet* has the right to take all necessary steps for the investigation of criminal offenses and for the indictment and arrest of common-law criminals. As such he has the same rights as a district attorney (*Procureur de la République*), or an investigating magistrate (*Juge d'Instruction*) which is a formidable prerogative when the principle of separation of powers is taken into account. In fact, the *préfets* seldom use it with the exception of the *préfet* of police in Paris.<sup>55</sup>

The *préfet* is not only the delegate of the government in his department, for the supervision of the so-called national bureaus; he also controls the departmental services proper. Napoleon I granted a measure of autonomy to each *département*, so as to relieve the National Treasury of some of its burdens, which were thenceforth transferred to the departmental taxpayers, although this system does not ultimately decrease the total amount of taxes to be paid by the country. For instance, the upkeep of public buildings, such as prisons and court houses, is assigned to the *départements*, although the administration of justice is controlled by the state. A number of second-rate highways known as departmental highways, as opposed to the national highways, are also maintained by the *départements*. The same principle prevails with the so-called de-

<sup>55</sup> Clémenceau sent a circular to all *préfets* on August 4, 1906, prohibiting the application of the famous section 10 without previous reference of the matter to the Minister of the Interior.

partmental railways, which are narrow-gauge railways, connecting various towns within a *département*. Public Health Bureaus and Relief Bureaus are also supported by the *départements*.

An elective body known as the General Council, consisting of one delegate per *canton*, makes the decisions concerning these bureaus, and votes appropriations for them. These councils hold brief sessions twice a year. They elect a semi-permanent committee known as the "departmental committee" which assists the *préfet* in the administration of the departmental bureaus. The General Councilors are usually selected from among men of local prestige and genuine ability, and the General Councils in France may be said to do a much better job in their modest sphere than the Chamber of Deputies with its nation-wide jurisdiction.

#### THE ARRONDISSEMENT

Each department is in turn divided into *arrondissements* at the head of which there is a *sous-préfet*. These officials are political agents appointed by the central government under the same conditions as the *préfets*. But they play a minor rôle. They serve as mere intermediaries between the *préfets* and the *mayors*. In other words, they have no power of decision unless it is delegated to them by the *préfet* or when there is an emergency that allows no time to await the *préfet's* decision. The facility of modern communication has rendered this office superfluous, and as a consequence innumerable practical jokes as well as more serious attacks are constantly leveled at the French *sous-préfets*. But small towns are proud of being a *sous-préfecture* rather than a common *chef-lieu de canton*, and it has taken

the authority of Poincaré and the financial compulsion of the post-war period to oust one hundred and six *sous-préfets* and to eliminate their useless posts. However, the *arrondissements* continue to be important administrative districts, especially as judicial units. In each *arrondissement* there is an elected assembly known as the Council of *Arrondissement*, the main purpose of which is to confer the resounding title of *Conseiller d'arrondissement* on some local politician. Yet the *arrondissement* has tremendous importance as a political district since, except for a short period from 1919 to 1928, deputies have been elected at the rate of one in each *arrondissement* of less than one hundred thousand inhabitants. As political constituencies the *arrondissements* are honeycombed with intrigues, and bid fair to have a long life.

#### THE CANTON AND THE COMMUNE

Each *arrondissement* is divided into *cantons*. These *cantons* have no administrative head. They are mere administrative units of a certain degree of importance from the point of view of police, justice, taxation, the recruiting of the army, and the election of general councilors.

Last of all each *canton* is divided into *communes*. These are the smallest administrative units in the country, but not the least important. Since the functions performed by the municipal bodies of large modern cities have become almost innumerable, there are few offices in France which confer more power than a mayor's office in a large city. Since, furthermore, mayors are no longer appointed by the government, but are elected by the Municipal Council, they stand out to-day as the only elective officials

vested with great executive authority. More fortunate than a prime minister, they may not be overthrown by a hostile vote of the Municipal Council, which can merely refuse to vote appropriations. The mayor plays a peculiarly important political rôle as chief of the municipal police.<sup>56</sup> Yet most mayors are

<sup>56</sup> There are exceptions to this rule. The municipal police in the three most important cities of France—Paris, Lyon and Marseille—are under the control of the Government. The chief of the Paris police is the *Préfet of Police*, who is appointed by the Government. In Lyon and Marseille the chief of police is an assistant to the *préfet*, known as Secretary General to the Préfecture for Police. A law of November 14, 1918, decided, likewise, that the municipal police of the great naval base of Toulon should henceforth be under the control of the *préfet* of Var. The fear of uprisings in these important centers—the political significance of which has proved incalculable in the past—is the motive for such exceptions. In these four cases the National Treasury provides important subsidies for the maintenance of the municipal police force.—The average American is inclined to confuse the municipal police in France with the national police or gendarmerie. One frequently hears American tourists referring to a city policeman as a *gendarme*, although, strictly speaking the word “gendarme” means a member of the national police. The French gendarmerie is a militarized police force under the control of the Government and its *préfets*. Its officers are regular army officers who have taken special examinations. Its non-commissioned officers and privates are former regular army men, who have accomplished their period of military service, and whose record in their regiment has been good. The gendarmerie is divided into infantry and cavalry units. Officers and men live together with their families in quarters provided by each *département*. In Paris, in addition to the municipal police and the gendarmerie, there is the so-called Republican Guard, divided into footguards and horseguards, the latter wearing conspicuous brass helmets. The Republican Guard is a sort of élite gendarmerie, whose main function is to prevent political disturbances. They also play a decorative rôle in military parades, and in official visits of foreign kings and statesmen, and they provide impressive sentries for the government buildings. Since the war, the drastic reduction in the period of compulsory military service has led to the organization of various units of *gardes mobiles*, with a status similar to that of the Republican Guard in Paris, and, incidentally, with a like uniform. They can be summoned to any part of the country where political disturbances are in progress or are expected. The Paris firemen are also a unit of the regular army and are equipped with rifles like a regular infantry unit. They have often been called out to extinguish with their hose the fervor of political demonstrations. The regular army has been

not mere politicians and the best means of securing their position, once they are in office, is not to curry favor, but to do constructive work in the improvement of hospitals, schools, parks, and slaughter houses, in the beautifying of residential districts and thoroughfares, in the creation of an adequate water supply, etc. France has had more great mayors than prime ministers. Herriot has been Mayor of Lyon for nearly thirty years. He has done such excellent work there that he continues in office even now that the municipal council has turned socialist. Gaston Gérard in Dijon, Marquet in Bordeaux have also been mayors for a great many years. Mayors in the devastated area where entire cities were wiped out had a stupendous task to achieve. The reconstruction of such cities as Rheims, under Mayor Marchandau, remains the glory of the municipal administration of France.

This does not mean that all municipalities are perfect. They indulge only too readily in financial extravagance. Most of the large cities are heavily in debt, and municipal taxes contribute to the high cost of living. The socialist and communist municipalities are particularly determined to "soak the rich," in order to carry out extensive programs involving playgrounds and model tenements. The vast

used at times for controlling strikes or political disturbances. However, being a conscript army it is not considered very reliable for political purposes. This explains why the garrison of Paris consists mostly of men recruited from remote provinces—Brittany in particular. The Breton peasants have an outstanding reputation as soldiers. They obey orders under any circumstances, and probably would not mind taking a shot at the high-brow Parisians, if ordered to do so. Yet the Government does not count too much on its Breton regiments, and in February 1934 colonial troops were summoned to Paris. Although they did not see active service, the gesture was, to say the least, unfortunate in its significance.

scale of these programs often tends to mistake extravagance for utility.

The municipal organization of Paris is an exception to the general rule. The revolutionary past of the capital, the difficulty of its financial administration, and its great political importance have all induced the central government to maintain a close supervision over the municipal affairs of Paris. The real mayor of Paris is the *Préfet* of the Seine who is appointed, as are all other *préfets*, by the Government. He is assisted by the *Préfet* of Police and he delegates all his minor prerogatives concerning marriage licenses, primary education, or relief to the mayors of the various *arrondissements*,<sup>57</sup> who are elected officials. For the same reason the municipal council of Paris enjoys less independence than the municipal council in the provinces. Most of its decisions have to be approved by the *Préfet*.<sup>58</sup>

#### THE VARIOUS ADMINISTRATIVE AGENCIES AND THEIR INTERNAL ORGANIZATION

The division of France into *départements*, *arrondissements*, *cantons*, and *communes*, as well as the grouping of several *départements* into distinct units for military, judiciary and educational purposes, provides the administrative framework for the centralized hierarchy of the various bureaus.

In the previous section, the political significance of the various ministries has been discussed. A study of their administrative significance is now in order.

While each bureau appears strongly coördinated from within by means of a pyramidal arrangement of

<sup>57</sup> Paris is divided into twenty *arrondissements*.

<sup>58</sup> From 1873 to 1881, Lyon was under a municipal régime similar to the one in force at Paris, with the *Préfet* of the Rhône acting as mayor.

officials extending all the way from Paris to the remotest corner of France, the administrative structure of the country as a whole is uncoördinated, because each separate bureau is practically a water-tight compartment. Such coördination as does exist is at the top. The head of a *département's* highways has nothing whatever to do with the head of the same *département's* postal service, although the latter service is making use of the highways in connection with the erection of telegraph poles and with the transportation of the mail. No disagreement between the two bureaus can be settled within the *département*, unless the settlement is of the amicable type so repugnant to a true *fonctionnaire*. The disagreement has to be settled in Paris.

Unfortunately, in Paris all ministries are so many independent citadels having no real mutual relationship. This was all very well at the time when Napoléon acted as the connecting link between the various ministers. Now this coördination is theoretically the Cabinet's function, but the explanation previously given of the Cabinet's shortcomings as a governing body shows how inadequately it performs so fundamental a rôle.

Such a rôle should really be assumed by the prime minister. Were he without a portfolio, he might find time for it. But such a situation is rare; as a rule, the prime minister is so overburdened with an infinite variety of tasks that he cannot possibly act as a coördinating agent between the ministries.

Again, this coördinating function might perhaps be performed by the Ministry of Finance, as is to some extent the case with the British Treasury and its "permanent secretary." But the French Treasury exercises no supervision over individual bureaus.

Inter-ministerial committees have been organized toward this end of coördination. In principle this system is excellent; but in practice it has proved unsatisfactory. The onerous duties of their respective ministries prevent many members of these committees from rendering efficient service in harmonizing the work of conflicting ministries, and therein lies the weakness of this system.

Another defect of the French administrative structure which further aggravates this task of coördination is to be found in the illogical distribution and diffusion of administrative activities. For instance, the district attorney who pursues criminals is subordinate to the Minister of Justice, but policemen who arrest those criminals are subordinate to the Minister of the Interior. At times ludicrous situations are created by this lack of administrative coördination. For example, the windows of the Ministry of Finance are washed on the inside by the janitors of this department. But, as the Ministry of Finance is located in the Louvre, which is under the jurisdiction of the Fine Arts Department, only this latter department can decide when the proper moment has come for these same windows to be washed on the outside!

Furthermore, conflicts occur not only between ministries, but between the various bureaus within a given ministry. The heads of these bureaus are inclined to remain isolated each in his own corner, exclusively preoccupied with the concerns of his own department. As the minister is merely a political delegate controlled by the permanent officials, he cannot be expected to assume a coördinating rôle between the various bureaus in his own ministry. Such a rôle is assumed in British administrative depart-



ments by a permanent secretary, who is a civil service man and not a transient political appointee. In France the Ministry of Foreign Affairs has such a permanent "Secretary General." But this is an exception to the general rule that the several directors of bureaus have equal rank. Such coördination as is effected in the functioning of their bureaus is achieved at meetings where nobody has the authority to make a final decision.

The result is an incredible amount of red tape, duplication, and inefficiency. No matter what the issue is, each department thinks that another one has jurisdiction, which means that important questions all too often remain forever unsolved.

Each bureau or sub-division in a given ministry is, in turn, organized and governed in accordance with rules which lack uniformity. Here French individualism finds a broad field for its disorganizing activity. The head of a bureau will attempt to reorganize it in accordance with his own ideas, so as to prove his superiority over his predecessor, or his colleagues in the next bureau, while in other departments the force of tradition, as well as the lack of initiative on the part of many aging officials whose sole preoccupation is to reach the retirement age with a minimum of worries, tends to perpetuate outworn methods.

In other words, the French administrative system lacks internal coördination and uniformity. This situation is unpardonable, since administrative centralization should facilitate a harmonious organization. It is all the more regrettable because the French *fonctionnaires* have many praiseworthy qualities, and, in the case of the higher officials, much administrative experience, and all these assets are of no

avail, due to their lack of training in the art of management.<sup>59</sup>

#### THE RECRUITING SYSTEM

Although some men of exceptional ability reached the highest offices during the *Ancien Régime*, favoritism in the appointment to public functions was so inseparable from absolute monarchy that Beaumarchais characterized this epoch by saying: "When a mathematician was needed, a dancer was appointed."<sup>60</sup> The history of the French civil service during the past one hundred fifty years has been one of unrelenting struggle against favoritism.

The best defense that has been formulated in France against this ever-present danger is the general requirement that candidates for the great majority of public offices must take a competitive examination or *concours*. Here, again, the French system might be compared to the complicated system of examinations for mandarins which prevailed in pre-revolutionary China.

Such *concours* are held periodically to fill the vacancies in a given bureau. The minister in charge of the department in question lays down the rules according to which the tests are conducted. There are a few general requirements in all such examinations, as for example the *baccalauréat* requirement for all except the pettiest functions. But in general the pro-

<sup>59</sup> See Fayol, *L'industrialisation de l'état*.

<sup>60</sup> All absolute monarchies are infected with the same germ. Speaking of Germany, Joseph-Barthélemy quotes Vorwaerts of September 16, 1917 as saying: "As for the appointment of diplomats, family connections, friendships formed at the University or in the Army, the rank as reserve officer, all these are taken into account; intelligence is the last consideration." *Le problème de la compétence dans la démocratie*, Paris, 1918, p. 237.

grams and rules for such examinations, as well as the rigidity of the test, varies with each function. The programs are determined by the nature of the function to be performed, and the rigidity of the test by the degree of competition occasioned by the proportionate number of candidates and of vacancies.

In case of vacancies in a ministry, the *concours* are held in Paris. The *concours* for bureaus with branches extending throughout the country are held regionally. The *concours* for the more important functions are always held in Paris, even when the appointees are to work in the provinces, in the colonies, or abroad.

It is estimated that about 1200 posts are filled annually by means of the *concours*. As contrasted with some 1000 places in the United States' Federal Service, and 300 in the British National Service, this figure gives an idea of the important rôle played by the *concours* as the basis of the recruiting mechanism for the French Civil Service.<sup>61</sup>

The examining boards are appointed by the minister at least theoretically. They are composed of agents who have risen to a high rank in the bureau. Since, as a rule, these men are no longer in touch with theoretical questions, they are supplemented by college and university professors, whose task it is to test the cultural standards of the candidates.

Hence these boards are made up of men selected for their intellectual qualities as well as for their practical judgment. They can be relied upon to do their utmost to test thoroughly the aptitude of the candidates they have to examine. Yet they are generally amateurs in the delicate task of deciding

<sup>61</sup> See W. R. Sharp, *op. cit.*, p. 124.

whether a candidate has the qualifications likely to render him a worthy addition to the bureau. Little effort is made within a given bureau to develop an examining technique, or to build up a more permanent examining board, which would improve the method of selection by introducing greater continuity and more uniform standards into the system of recruiting new agents.

The difficulty of some of these *concours* is almost incredible. This is particularly true of the tests which candidates for the *Conseil d'Etat* must undergo, or of those required for a chair in a law school or in a school of medicine, or even in a *lycée*; for the diplomatic service; for the *Inspection des Finances*. The rigidity of these tests is unequalled in any other country. This, combined with the very thorough training of young Frenchmen by means of a centrally controlled system of education, accounts for the outstanding theoretical equipment of the highest French *fonctionnaires*.<sup>62</sup> Unfortunately the development of their practical aptitudes has not been equally stressed. Had such been the case, France might have the best civil service in the world. The traditional French cult of abstract ideas is doubtless no less responsible than the people's individualism for the lack of method and organization in the administrative routine, which is characterized by endless red tape and delay. Since the war, France has rationalized her industries to a considerable extent. But her administrative methods have not kept up with the progress made in methods of management. The French Civil Service needs less intellectual talent and more businesslike methods.

<sup>62</sup> Robert Valeur and Jacques Barzun, *op. cit.*

FAVORITISM IN THE RECRUITING OF THE  
FONCTIONNAIRES

Whatever the failures of the *concours* system may be, it has led to the progressive elimination of favoritism in the civil service, with a consequent democratization of its personnel. Under the *Ancien Régime*, practically all the public offices were held by noblemen. Their appointment was a matter of family connections and court associations. In many cases virtual hereditary succession obtained. In other cases, especially in the judiciary, offices could be bought for a lump sum. The Republican assemblies tried to eradicate these evils. But the general principle of elected officials was no less pernicious, although in a different way. Napoleon went back to the monarchic system of civil servants appointed by a central government.

The number of *Ancien Régime* men who found a niche in the Napoleonic administrative structure is amazing. But it is to Napoleon's credit that he selected the best of the king's *fonctionnaires*. Gaudin, who was Minister of Finance throughout his reign, had been connected since 1773 with the administration of direct taxes under d'Ormesson and d'Ailly. Daru, who was Minister of Military Administration, had been war commissioner and army *intendant* under Louis XVI. All the legal reforms were made by *Ancien Régime* jurists. On this firm foundation Napoleon built his civil service, which soon proved to be the best in Europe, owing to the fact that, at least during the early part of his reign, he insisted on making appointments and promotions according to merit.

With the Bourbon Restoration favoritism and

patronage once more permeated the entire administrative machine.<sup>63</sup> The majority of the important positions were held by reactionaries and conservatives until the end of the second Empire, and it was only through the intervention of deputies that liberals were appointed to public offices.

Even after 1871, monarchists and clericalists continued to fill the greater number of administrative posts. It was only gradually that a new republican administration emerged. Yet during the Third Republic's first quarter of a century the French Civil Service remained reactionary to an unbelievable degree. Even those bureaus initially recruited by means of a *concours* did not undergo any deep change of political shade, because there was a majority of conservative officials on the examining boards, although the latter were supposedly appointed by the minister. This is the natural outcome of the so-called "co-optation" system, according to which new recruits in a given administrative department are appointed by members of this department. To make things worse, the Church, which still exerted a great influence, frequently interfered with the appointment of officials.

The Dreyfus affair in the nineties, followed by the ousting of religious congregations in 1901, and the separation between Church and State in 1905, effected the triumph of the radical republicans over the militaristic, clerical, reactionary and monarchic factions. This led to a strengthening of the *concours* system in its most democratic form. The minister was at last in a position to appoint good republicans to the examining boards of the *concours* held for

<sup>63</sup> Yet it was at this time that Polignac organized the competitive entrance examination for the diplomatic service.

entrance into the various administrative careers. Because of their influence, the conservative candidates were seldom favored at the expense of their radical competitors. The French system of state schools makes it possible for young men without means to go through the mill of the most strenuous classical and scientific training, and the result has been an amazing increase in the number of candidates of humble origin who aspire to posts in the civil and military service.

The French educational system is extremely democratic, particularly since *lycées* and colleges no longer charge tuition fees.<sup>64</sup> After the *baccalauréat* scholarships are liberally awarded to the outstanding students of small means, who are thus enabled to prepare almost any of the administrative *concours*. Sons of laborers and of peasants are now often found in the military schools of St. Cyr<sup>65</sup> and Polytechnique,<sup>66</sup> and even more frequently in the famous *Ecole Normale Supérieure* for the training of *lycée* professors. The *concours* for admission to the various financial bureaus have also become very democratic, in spite of the bourgeois tradition permeating this branch of the civil service. The diplomatic service, and posts requiring legal knowledge, as, for instance, the judicial service, are almost the only branches of the civil service to which a candidate would be unwise to aspire without a certain amount of financial backing.

Another democratic aspect of the French administrative system is the recognition accorded those who have succeeded in passing one of these *concours*, es-

<sup>64</sup> Preparing for the Bachelor's degree.

<sup>65</sup> Training infantry and cavalry officers.

<sup>66</sup> Training artillery and engineering officers.

pecially the most difficult ones. All graduates of the *Ecole Polytechnique*, be they sons of peasants or sons of generals, are on the same professional footing, and, even to a great extent, the same social footing. A laborer's son who manages to pass the difficult *concours* of *Inspecteur des Finances* or of the *Conseil d'Etat* will be immediately accepted everywhere by the most exclusive social set. The French have unlimited respect for intelligence. In France, therefore, the passing of a difficult *concours* confers a sort of nobility—the only nobility that deserves recognition—the nobility of brains, like the Chinese Mandarinate.

It cannot be said, however, that the *concours* system, as it prevails today, completely precludes the possibility of favoritism. The diplomatic service examination, in particular, pays a great deal of attention to the family and social connections of the candidate.<sup>67</sup> Yet, as a whole, these *concours* are quite fair, and when outside pressure is brought to bear on the selection of unworthy candidates it practically never issues from politicians. In so far as "pull" carries weight in such examinations, it usually is the accidental result of personal ties between the candidate and one of the examiners.

Another criticism of the *concours* system is that it is not an infallible method of selecting the best men, as, in fact, no examination can be. Granted the utmost care and impartiality in the conduct of the examination, such a test merely presupposes that a candidate who, owing to his present knowledge, ability and character, is successful in the test will therefore become a useful adjunct to the civil service.

<sup>67</sup> Yet two candidates who were the sons of ambassadors failed in the 1934 examination.



The future may discredit such a supposition. Vice versa, the *concours* system may lead to the drastic elimination, without appeal, of candidates who have not reached their full maturity at the time of the examination, and who might develop later into first-rate civil servants. It is pertinent to mention here that the greatest French ambassadors during the Third Republic, Paul Cambon, Jules Cambon, and Barrère never passed the diplomatic service examination.<sup>68</sup>

#### INCUMBENTS OF THE FRENCH ADMINISTRATIVE PERSONNEL

Needless to say, the close administrative network of France requires a large number of employees. No official statistical study of the French civil service has been undertaken. But a study of the various budgets enables one to say, with sufficient exactness, that in the most recent years there have been about 550,000 state employees, not including military and naval career men, or employees of the State and Alsace-Lorraine Railways. This large incumbency may be divided into 400,000 full-fledged *fonctionnaires*, i.e., officials having received permanent appointment, 54,000 auxiliary and temporary employees, and 96,000 laborers. To these large numbers must be added some 350,000 employees on the local government staffs, which constitutes a grand total of some 900,000 persons engaged in civil service.<sup>69</sup> Ac-

<sup>68</sup> Joseph-Barthélemy. *Le problème de la compétence dans la démocratie*, p. 243.

<sup>69</sup> There are also some 400,000 railway employees, including 125,000 employed on the State and the Alsace-Lorraine Railways. Although officers, non-commissioned officers, soldiers and sailors in the Army and Navy are not, strictly speaking, engaged in civil service, they are in reality state employees. No mention is made here of the numerous civil and military servants in the French colonial empire, nor of the countless persons retired from active service on a pension.

cording to the reliable calculations of W. R. Sharp, these figures represent an increase of only eight per cent over the pre-war personnel.<sup>70</sup> This is by no means a staggering advance, especially if the increased responsibilities assumed by all governments in the post-war period are taken into account. Great Britain has 625,000 state employees, and Italy has 520,000. These figures compare well with the 550,000 persons in the French state services.<sup>71</sup> This figure could doubtless be reduced by the elimination of waste and duplication. Yet any drastic reduction in the number of French *fonctionnaires* can be effected only by a thorough reorganization of the administrative system of France.

#### SALARIES—POST-WAR ADJUSTMENTS

The adjustment of the state salaries to the post-war monetary disturbances has proved a much more important problem than that of the increase in the state personnel. Before the war the French *fonctionnaires* were poorly paid in comparison with the British Civil servants. The stupendous rise in prices which occurred during and after the war, as a result both of the scarcity of goods and of monetary inflation, led to a series of salary adjustments. Unfortunately, these readjustments have always lagged behind the rise in prices, and the *fonctionnaires* have felt that they alone were the innocent victims of an economic situation which had benefited the industrialists, the farmers, and even the laborers.

<sup>70</sup> Walter Rice Sharp. *The French Civil Service*, New York, 1931, p. 18. See on p. 19 a table of the distribution of central government personnel by administrative units.

<sup>71</sup> Although correct figures are not obtainable for Germany, the enormous increase in the country's aggregate governmental expenditures after the war, which cannot be accounted for solely by reparation payments and war pensions, seems to reflect a rather costly administrative organization.

A committee presided over by M. Hébrard de Villeneuve was appointed in 1919 to make the first salary readjustment. It decided that 1800 francs should be regarded as the minimum pre-war annual salary to be used as a basis of readjustment. In reality, many state employees received less than this meager wage before the war. Taking into account the rise in prices and the devaluation of the franc, this minimum was doubled, and thus raised to 3600 francs. On the other hand, the maximum salary level, of 25,000 before the war, was, in 1919, raised to 30,000 francs. In other words, the Hébrard de Villeneuve committee accorded a 100 to 200 per cent raise on all small salaries, and a mere 20 per cent raise to the highest paid officials. The law of October 6, 1919, embodies this adjustment, which meant an additional expenditure of two billion francs a year.

As early as 1921 new adjustments became necessary. The law of April 20, 1921, granted the *fonctionnaires* of the judiciary increases ranging from 800 to 4000 francs a year. Judges in France have been traditionally among the poorest paid state officials, because the great prestige attached to a judiciary career encouraged men from rich bourgeois families to enter it. The post-war inflation, which particularly affected the *rentier* class, brought financial ruin upon a great many judges, whose salaries had to be augmented. The same legislative act accorded a similar increase to the teachers, through the pressure brought upon Parliament by their association.

*Fonctionnaires* of other bureaus immediately clamored for similar treatment. Senator Chéron, who prepared the general report to the Senate on the

1921 budget, placated the *fonctionnaires*' complaints by promising them that a general readjustment of all salaries would be made within the next four years. This readjustment would give equal justice to all branches of the Civil Service, and would take the general price level into account. M. Chéron expected then that prices would go down and his promise to "take the general price level into account" was in reality a clever means of forcing upon the *fonctionnaires* salary reductions in proportion to a decline in the price level. But instead of decreasing, prices increased so considerably that in the summer of 1924 another salary adjustment was necessary. The minimum salary level was raised to 5600 francs a year, and the maximum to 40,000 francs. The adjustment became effective on January 1, 1925, and put on the budget an additional burden of 1450 millions.

In 1926 a new readjustment took place, the salaries ranging this time from 6900 to 75,000 francs. The higher *fonctionnaires* were at last given some consideration, as it was decided that no one should receive less than three times the salary he would have received on the pre-war basis.

Then a new raise of the minimum salary to 8000 francs became effective on January 1, 1928, which alone cost the Treasury an additional 1400 millions.

The law of June 25, 1928, which stabilized the franc at one-fifth of its pre-war value, provided the final basis for a permanent readjustment of all state salaries. This readjustment, which became effective on October 1, 1930, once more raised all salaries which now range from a minimum 9000 to a maximum 125,000 a year. The additional burden involved

in this readjustment amounts to 1800 million a year.

#### PÉRÉQUATION

An effort was made at the same time to put salaries in the various branches of the civil service on a parity basis. This has been known as *péréquation*, which amounts to the principle of "equal pay for equal work" throughout the civil service.

Up to the war, each branch of the service had developed its own schedule of salaries by the application of the principle of opportunism. When the personnel of a given administrative department was united into a politically powerful group, it had a chance of securing a raise from a weak Parliament. Sometimes the mere consideration that a minister had in his early career been a member of the postal service sufficed to improve the lot of all *postiers*. Professionally important, but politically insignificant branches of the administration, such as the judicial service, were systematically sacrificed.

With some 1700 different state positions and 483 different salary scales,<sup>72</sup> the post-war task of enforcing salary standardization was enormous. Each branch of the service deemed itself better than the others, and underpaid. The *instituteurs* complained against the salaries paid to the *postiers*, and the judges deemed themselves the victims of a system which reserved its favors for the college professors.

Unfortunately, no standard of comparison is applicable to *fonctionnaires* whose training, entrance examinations, and usefulness to the state are widely different. *Péréquation*, although it is as yet incomplete, has led to some simplification of the salary

<sup>72</sup> See W. R. Sharp, *op. cit.*, p. 200.

scales, but has met with well-nigh general dissatisfaction.

#### SUPPLEMENTARY ALLOWANCES

An interesting attempt was also made to adjust inequalities in real wages resulting from discrepancies in the cost of living in different communities. This has been the origin of the *indemnité de résidence*, which is especially high in Paris. Salary increases are also granted in case of a civil servant who has a family. These are the *indemnités pour charges de famille*. Such indemnities are irrespective of the basic salary level. Some other advantages may be granted, such as rent-free apartments or reduced rates on the railways, for some categories of *fonctionnaires*.

#### DISABILITY AND RETIREMENT PENSIONS

If prestige is the main incentive for the French élite to follow a state career in the higher ranks of the civil service, liberal pensions paid by the state to its disabled or aged servants attract to the lower ranks of the civil service innumerable *petits bourgeois* who prefer security for themselves and their families to a large and immediate gain. The *Ancien Régime* had a system of gratuities for the servants of the Crown. But these were conferred at the king's pleasure. During the Revolution, and later in 1817-18, attempts were made to establish a uniform system of pensions. These attempts accomplished little, although certain administrative departments instituted retirement funds of their own. It was not until 1853 that a regular system of pensions was established. But it was still incomplete, since it did not apply to manual laborers in the employ of the

state, colonial employees nor local civil servants. If a civil employee gave up his state position before the expiration of the minimum period of service which entitled him to a pension, no provision was made for a partial pension. Nor was adequate provision made for the family of a state employee in the event of his premature death.

The most glaring defect of the pension system established under the law of 1853, even after the amendments introduced in 1913 and 1915, was that the annuities contributed to by the state employees were not kept in an autonomous pension fund, but were paid into the general Treasury. As a result, the Treasury had to make up the difference between the sums contributed by the employees and the total pension bill. However illogical, this system greatly benefited the state servants after the war, as it resulted in the adjustment of their pensions to the overwhelming increase in the cost of living. Here the *fonctionnaires* had a distinct advantage over their unfortunate fellow-citizens who had paid annuities to private insurance companies, and who ultimately received francs worth four cents, instead of twenty cents as before the war. The post-war situation has tended to make state positions even more attractive than formerly to the French people with their ingrained longing for security.

The law of April 1924 finally established a retirement reserve fund (*caisse des retraites*). The annual contribution by employees was increased from five to six per cent of their salaries, with the ultimate aim of relieving the Treasury of any further contribution to the pension fund. The most that can be said for such a system is: "the pension, though in

appearance a favor, is in substance but the acquittal of a debt."<sup>73</sup>

As a general rule, (1) a minimum of thirty years in service and (2) the attainment of the age of sixty years constitute eligibility for a pension. There are also provisions for disability pensions.

Provided the individual regulations of their departments permit, employees may continue to hold their positions after they have reached the age of retirement. In this case, they are entitled to a supplement of pension.

The French system of pensions has become quite liberal since the war, at least if one takes into account the average French standards of living. But the administration of pensions is extremely faulty. It is usual for a retired employee to wait many months, frequently more than a year, before the amount of his pension is settled. In the meantime, he has to live on his savings, which may put him in a most embarrassing situation.

#### SYNDICATE PRESSURE VS. ARBITRARY PROMOTIONS

The system of promotions still allows ample scope for the favoritism which the elaborate *concours* system has practically eliminated from the original selection of civil employees.

Throughout the nineteenth century the sole criterion for promotion was merit. This meant that the right to promote civil employees rested absolutely with their superior officers. But merit was often merely a shield under cover of which ministers gave advancement to their personal friends and political supporters. This system, which prevailed under

<sup>73</sup> Berthélemy, *Traité élémentaire de droit administratif*, 11th ed., p. 930.



Louis Philippe and Napoleon III, was continued under the Third Republic. It came to a head at the time of the Dreyfus affair, when the orthodox Republicans endeavored to rid the civil and military bureaus of all monarchists and clericalists. They organized a system of denunciations and secret dossiers, by gleaning information from the *concierges* about the private life, political activities and religious opinions of civil and military *fonctionnaires*. Such information was used to retard their advancement, or, on occasion, to bring about their dismissal.

The rank and file of the *fonctionnaires* rebelled against this arbitrary régime by forming *syndicates*. Collective pressure brought to bear upon Parliament by the syndicates—the power of which soon became a menacing political factor—led to the enactment of section 65 of the Finance Bill of 1905, according to which no *fonctionnaire* can be disciplined, or removed from a list of those eligible for promotion, unless he has had the opportunity of seeing all the notes and documents composing his dossier. This was the first step toward the progressive elimination of favoritism in the promotion of civil servants, as well as of injustices in the disciplinary measures inflicted upon them. In the decade prior to the World War, most administrative departments set up promotion boards on which their employees were directly represented.

The criterion for promotion followed by these boards has been seniority rather than merit. Pay increases are automatic after a certain lapse of time in a given grade, although exceptional merit may speed up the rate of increase. Promotions in rank are also made by seniority, but here merit has a greater lee-

way and promotion to the higher ranks is strictly a matter of arbitrary choice.

The substitution of the seniority rule for merit in the promotion of civil servants has gone far to stifle initiative and strengthen routine. Today the simplest way to get rid of an incompetent employee is to have him appointed to another post with an increase both in pay and in rank. When a civil servant feels he is being abused by his superior officer, he will ask his syndicate to intervene with a politician, who will bring pressure to bear upon the overzealous *fonctionnaire*. The merit system led to abusive favoritism. The seniority rule and the constant interference, on the part of syndicates, with the working of the administrative machine, has produced a growing paralysis of the whole government. Favoritism in France these days is assuming more and more a new aspect. It is not the traditional kind of active favoritism for the rapid advancement of some *fonctionnaires* at the expense of others; it is a negative sort of favoritism resorted to by those *fonctionnaires* desirous of being left at peace by their superior officers, notwithstanding their inefficiency and incompetence.

This does not mean that the old-fashioned kind of favoritism has been completely eliminated either. As has already been pointed out, there is still scope for speeding up the statutory rate of salary increases. Here, merit is often made the pretext for playing favorites. But favoritism is chiefly indulged in the appointment to the highest positions, where the seniority rule is not in effect. Of course, many of these appointments are based upon merit, but in too frequent instances they are due to favoritism. When such appointees are faced with the crucial test of

facts, they are usually not equal to the circumstances. In order to realize the extent to which favoritism still conditions the appointment to the highest ranks in the civil and military service, one has only to recall the great number of army generals who had to be summarily dismissed for incapacity at the beginning of the World War.

#### ADMINISTRATIVE SYNDICALISM

The need of guarantees against the arbitrary rule of politicians, which was more justified in the early days of the Third Republic than at present, led the *fonctionnaires* to organize into syndicates. These syndicates soon developed into powerful political organizations which exist today under the form of a state within the state.

The *fonctionnaire* did not come within the scope of the law of 1884, which gave legal recognition to the syndicates organized by workers, as well as by employees, for the defense of economic, industrial, commercial and agricultural interests. Yet there is no fundamental difference between a worker in a state-controlled cigarette factory, and a worker in any private industrial enterprise. As a result, the Government had to yield in 1886 to the demand on the part of the workers in the state arsenals and manufacturing firms for the right to form syndicates. In 1894 this privilege was extended to the State Railway employees. But permission to organize into syndicates was refused to all other categories of state employees—in particular the postmen and the *instituteurs*.

The Association Law of 1901 gave the *fonctionnaires* the right to organize, but the associations formed under this law did not have as wide legal

prerogatives as the syndicates. For instance, they cannot sue or be sued in the courts. Most branches of the civil service organized into such associations, which are usually known as "*amicales*" or friendly societies. But many of them have adopted the more aggressive term of *syndicat*, although, strictly speaking, they are mere associations.

All governments, even the most radical, have denied these associations the right to strike, on the ground that nothing should impair the continuous functioning of a public service. So far strikes have been indulged in only by those state servants who might as well be hired workers of private enterprises. There were some minor strikes of arsenal workers between 1902 and 1907, four important strikes of postmen in 1909, 1910, 1920, and 1928, and two serious strikes of railway employees in 1910 and 1920. Even Briand, who in the early days of his political career was a vehement Socialist, opposed the right of civil employees to strike, and called the railway men into military service in order to crush the 1910 strike.

Yet radical syndicalism is making steady headway among the *fonctionnaires*. Upwards of six hundred thousand *fonctionnaires* have become adherents of some kind of association or syndicate. The right to organize into syndicates was recognized by Millerand, General André and Camille Pelletan for the so-called *fonctionnaires ouvriers* in the postal service, the war and navy departments. In the department of public education syndicates are forbidden in principle, but the administration closes its eyes to the syndicates of public school teachers in Calvados, Côtes-du-Nord, Morbihan, Pyrénées-Orientales, Seine, and Var.

The radical-socialist governments which came to power in 1924 and in 1932 have displayed even greater leniency toward the syndicates of *fonctionnaires*. These governments, under men like Herriot, Chautemps, Daladier, have instructed the *préfets* to deal with such syndicates—thus giving implicit recognition to technically unlawful organizations.

The following episode aptly illustrates this relaxation of the government's severity toward the syndicates of *fonctionnaires*. At their annual meeting in Paris, at the beginning of August 1933, the public school teachers decided by an almost unanimous vote that in case of a threat of war, even if that war should assume a purely defensive character, they would unite their efforts to bring about a general strike—thus paralyzing the nation's defense. The Government remained undisturbed; and not until six weeks after this vote did the Minister of Education, de Monzie, send a mild note to the supervisors of education in each *département*, urging them to impose penalties on such teachers as should be proved guilty of unpatriotic teaching. This, of course, proved a dead letter, since the Minister's note itself mentions a previous instance in which the *département's* supervisors "feared to know what they were unwilling to repress."

#### POLITICAL ACTIVITIES OF THE FONCTIONNAIRES

The main ground upon which the *fonctionnaires* are denied the right to organize into syndicates and to strike is that, in contrast to ordinary citizens, they enjoy the advantage of an almost complete economic security. It is on the same ground, and also owing to the fact that they are the servants of the government, and, consequently, should lend at least

passive support to the policies of this government that the *fonctionnaires* have by some been denied the right to play an active rôle in politics. It seems strange, for instance, that a college professor, who not only gets a salary from the state, but valuable economic and moral advantages as well, should teach a political creed tending to the destruction of the state. Or imagine a royalist army general or communist arsenal director using his position to propagate his individual political doctrines!

Yet the *fonctionnaires* insistently claim that, politically speaking, they are just like other citizens. Although the permanency of their tenure precludes the possibility of their undergoing any risk in the battle between political parties, they insist on their right to engage in this battle to whatever extent they wish. They take for granted that they should enjoy special privileges, but they are unwilling to accept in return certain political limitations.

However, some categories of *fonctionnaires* have had to accept such limitations in domains other than politics. The rules of discipline and the code of military justice deprive army and navy men of much of the personal liberty which other citizens enjoy. And even the personal liberty of civil employees is somewhat infringed, since they cannot carry on any business activity outside their official functions.

Even in the domain of politics, there are two categories of *fonctionnaires* who are denied full-fledged rights. In the first place, army and navy men cannot vote. In the second place, judges are denied by section 14 of the law of 1883 the right to express certain political opinions.

Yet the syndicates of *fonctionnaires* now repre-

sent such an overwhelming political force that few politicians in power dare challenge their political activities. The most revolutionary doctrines are professed by the *syndicats des instituteurs*, and teaching in public schools is becoming more and more radical and anti-national. But who would venture to take a stand against an organization which has a membership of eighty thousand? The syndicalist force is so great that it led, in January, 1933, to the overthrow of the Paul Boncour cabinet. The irony of this is that Paul Boncour himself largely contributed to the development of such syndicates. In 1905 he laid down their program in the following terms: "The employees of the state will be given the privilege of discussing and arranging for the reforms which they need, and they will not be subjected to outside interference. . . . They will thus suppress the antagonism which exists between an imperialistic bureaucracy and a republican constitution."

The demagogues applaud what Anatole France depicts as "the proletariat of the bureaus, of the schools, of the *octrois*, of the postal service and of the highways, standing against the outworn privileges of the state, and forcing a wedge into the oppressive individualism of the Napoleonic code."

The most interesting thing about this situation is that the imperialistic bureaucracy of France, as Paul Boncour calls it, has cleverly used the principle of democracy to make its position impregnable. According to André Tardieu, the result has been this: "Some *fonctionnaires* use their powers as instruments against the state. Others emphasize, in their teaching, principles that are counter to the interests of the state. Many, either orally or in writing, engage

in the political opposition directed against the state."<sup>74</sup>

Until the end of the nineteenth century the high *fonctionnaires*, heirs to the best monarchic traditions, abused their inherited power by tyrannizing the public. Democratic politicians led the protest against this administrative tyranny by encouraging the small *fonctionnaires*, such as school teachers and postmen, to oppose their collective strength to the autocracy of a few. These politicians were responsible for diverting the interests of the *fonctionnaires* from their professional duties into the channel of politics.

To be sure, the situation in the French civil service in the nineties was not a comfortable one for an orthodox republican. The theoretical French republic was governed by a small clique of noblemen, royalist generals, reactionary judges, clerical *préfets*, and by capitalistic interests. The showdown between reactionaries and radicals occurred on the occasion of the Dreyfus affair. For several years France was split into two armed camps, but the radical republicans ultimately defeated the militaristic, clerical, monarchic and reactionary factions. The struggle so embittered the true republicans that they resorted to unspeakable methods to insure the orthodoxy of the high *fonctionnaires*. French freemasonry organized a regular espionage service to inform the government as to the religious and political opinions of all *fonctionnaires*. The army and navy, particularly under the respective ministries of General André and Camille Pelletan, became contaminated by a system of denunciations, leading to the creation of a filing system, in which each officer had a card or

<sup>74</sup> André Tardieu, *L'heure de la décision*, Paris, 1934, p. 164.



*fiche*, containing confidential reports on his political and religious opinions and activities. This method, so unworthy of the corps of French officers, had a demoralizing effect on them which persisted for many years. Even during and after the war many army appointments were made on the basis of political and religious creed—to wit, the unfortunate appointment of General Sarraill to the Salonica army, and later to the governorship of Syria. It would not seem that such methods were necessary to insure the loyalty of the army and the navy to the republican régime. Yet this espionage is excusable on the ground that true republicans could no longer stomach the retention by a few castes of a privileged position in a democracy.

The ousting of religious congregations, and the separation between church and state, caused further friction, when the army and the conservative administration of *enregistrement* were called upon to enforce these anti-clerical laws. Yet those Frenchmen who remember the political abuses of the Catholic Church, the curate's dictatorship in his village, the submission to his whims of the local school teachers, can readily understand these rigorous measures,<sup>75</sup> which almost completely disrupted the political power of the Catholic Church.

This political battle induced the small *fonctionnaires* to strengthen their position against the tyrannical rule of their privileged superiors. It also induced

<sup>75</sup> The writer's grandfather, who was at the time a school teacher in a Franche-Comté village, had to ring the church bells three times a day, the year round, for the Angelus. Furthermore, he had to sing in Latin and to play the organ at all religious ceremonies. For the performance of all these tasks he was paid the incredible sum of twenty francs (*sic*) a year. Under such conditions it is not difficult to understand the anti-clericalism of French *instituteurs*, and, generally speaking, of most people in humble circumstances.

the *fonctionnaires* of middle rank—many of whom had suffered from the denunciations of the period of the Dreyfus affair—to join the syndicalist movement, so as to build up a defense against the arbitrary rule of the politicians. This means that the associationist movement in the French civil service has really a double purpose: protection of the petty *fonctionnaires* from the tyranny of their superior officers, and protection of all *fonctionnaires*, with the exception of the highest officials, from the whims of politicians. The highest officials are often appointed through political favoritism, but, notwithstanding the strongest political connections, they may be removed if the syndicates bring pressure to bear.

#### POLITICAL COLORS OF THE FONCTIONNAIRES

Since the Dreyfus affair, which meant the triumph of radicalism over conservatism and clericalism, the political color of French *fonctionnaires* has progressively changed. Ministers have with more and more impunity appointed true republicans to the examining boards of the *concours* held for admission to administrative careers. This has led to a progressive democratization of the French civil service. Yet each administrative department has its own political temperature. The primary school teachers are extremely radical. Many of them are confirmed communists. The secondary school teachers are radical-socialist. The university professors are more conservative, particularly those in the branches of law and medicine. The army and navy are conspicuously Catholic and conservative, with, of course, numerous exceptions—as, for instance, General Sarraïl. They still number many a nobleman among their ranks—especially in the cavalry and the navy. Regimental tra-

ditions also influence the officers' attitude. The diplomatic service still includes a majority of noblemen and rich bourgeois of extremely conservative views. The judiciary service is equally conservative. The postal service is radical, especially the lower employees. The financial administration is distinctly bourgeois and conservative. Yet there is a distinct trend toward a more democratic recruitment.

#### THE LOWERING OF STANDARDS IN THE FRENCH CIVIL SERVICE SINCE THE WAR

Since the war a misapplication of the democratic idea has contributed to lower the standards of integrity, efficiency, and competence in the French civil service. The successive readjustments in the salaries of state officials which inflation necessitated savored of a questionable demagoguery. Granted that the cost of living has risen five times in the post-war period, small salaries have been raised at least ten times. On the other hand, the highest paid officials had to wait until 1930 to have their salaries adjusted to the devaluation of the franc. The resulting dissatisfaction induced many of the most competent high officials to resign from their state positions, so as to obtain a more adequate reward in business enterprises, at a time when the economic prosperity of the country offered many such opportunities. It was indeed desirable to provide a decent standard of living for the most humble among the state employees, but this should not have been achieved at the expense of the highest officials—the *cadres*, as they are called—who are relied upon by the transient politicians to rule the country with a degree of competence and self-denial worthy of a better reward.

Thus, abler men have been diverted from a state career through economic pressure. For instance, ever since the war, not more than sixty to seventy candidates in any one year have taken the competitive examination required for admission to the Ministry of Finance. And, although on an average there are thirty vacancies annually, the quality of the candidates has been so poor that the examiners have been unable to fill more than fifteen to twenty of the vacancies. A like situation resulted in other departments—in public education, and in the army and navy. In France, the upper middle class from which the high officials were recruited was the hardest hit by the post-war inflation. Of late, prestige has not proved a sufficient compensation for a small salary, more especially since the mediocre caliber of newly appointed officials has been undermining this prestige. Thus a vicious circle was formed, and it was aggravated by the daily spectacle of easy fortunes being made during the years of prosperity by business men who lacked the training required of the best *fonctionnaires*.

The quality of the French Civil Service is doubtless on the decline. As M. Doumergue stated in a recent interview: "We no longer have great *préfets* and great civil service heads."<sup>76</sup> This is a cause for grave concern, in view of the paramount rôle the *fonctionnaire* plays in the government of the country.

Even the traditional standards of integrity in the French Civil Service seem to have been undermined by the post-war economic and spiritual convulsion. For the Stavisky scandal and the more recent Lévy

<sup>76</sup> Reported by the *New York Times*, November 25, 1934.

affair have disclosed unsuspected corruption on the part of some high officials. The overwhelming majority of French *fonctionnaires* do, indeed, remain devoted to their duty. But unless the dangerous forces which are at work are checked while there is yet time, they will eventually paralyze the entire governmental machine of France.

This contamination which is spreading through the French Civil Service has doubtless contributed to the political tangle of the present day. The lack of a stable majority in the Chamber of Deputies is nothing new in French parliamentary life. Even the Stavisky affair has failed to reveal further corruption on the part of the professional politicians than did previous financial scandals—such as that of Panama. The mob is using Parliament as a scapegoat. Unless the French *fonctionnaire* reverts to his age-old tradition of unobtrusive self-sacrifice in the interests of the state, sooner or later the mob will turn its wrath against him.

### CHAPTER III

## THE LEGISLATIVE POWER

### SECTION I—THE ELECTORATE

FRANCE is a democracy of the representative type. The people enjoy a theoretical sovereignty which they delegate to elected representatives. These elected representatives legislate, govern or administer in the name of the people, who are never called upon to make decisions themselves, or even to approve the decisions of the men they have elected.

## THE RIGHT TO VOTE

The Constitution of 1875 lays down the principle of universal suffrage. This principle was introduced in France for the first time in 1848, but the Second Empire, while maintaining it in theory, managed to distort it so that it became a mere pretense.

Universal suffrage does not mean that everybody has the right to vote. Five conditions are required before a resident of France can be an elector.

1. He has to be of French nationality. A naturalized French citizen has the right to vote, under the same conditions as a Frenchman by birth. But as French naturalization laws are not very strict, the legislators having deliberately encouraged foreign immigration to offset a low birth rate, the loyalty of many newly made French electors has often been questioned. During the war, temporary laws were passed on April 7, 1915, and June 18, 1917, authorizing the government to repeal the decrees of naturalization granted to former subjects of the countries at war with France. The naturalization law of August 10, 1927, now in force, provides that a naturalized French citizen cannot hold an elective position until he has been naturalized for ten years.<sup>1</sup> But this law gives all naturalized foreigners the right to vote immediately upon their naturalization.

2. Only men have the right to vote. In this respect, France has remained more hostile to woman's suffrage than less democratic countries like Germany. This attitude is less the result of the Frenchman's feeling of superiority toward women, than of French women's general indifference toward politics. Yet the question of woman's suffrage is making

<sup>1</sup> There are some exceptions to this rule.

much headway. The Chamber of Deputies, on May 20, 1919, voted with an overwhelming majority a bill granting women not only the right to vote but even the right to be elected. Discussion of the bill before the Senate was delayed until November 21, 1922. The bill was defeated by 156 votes against 134. In 1927, 1928, 1929, 1931, and 1932 the Senate repeatedly refused to reconsider the question. It is interesting to notice that woman's suffrage is advocated by the conservatives, and opposed by the radicals. The reason is not merely that women are usually more conservative than men, but that French women, as pointed out in Alexandre Bérard's report to the Senate, are more attached to the Catholic faith than Frenchmen. Since French women, at the same time, outnumber Frenchmen by two millions, woman's suffrage might enable the Church to regain its political power, a result that all radicals are determined to oppose. There is no question, however, that French women will sooner or later be given the right to vote, as it is both logical and just that women should have a voice in the government of a country in which they pay taxes, and have economic and moral interests to defend.

3. The third condition attached to the right of voting is maturity. Men over twenty-one years of age are regarded as having attained maturity. Some theorists have argued that a man of twenty-one is too young to vote with reasonable objectivity. The answer is that maturity is not a question of age, but of the individual, and, on this ground, the right to vote should be granted to a chosen few, which would be absolutely inconsistent with the principle of democracy. Another argument has been drawn from the compulsory military service which, before the

war, kept young men in the army for two or three years after their political coming of age. As soldiers are denied the right to vote, the only young men who could vote immediately upon reaching the age of twenty-one were those who, for some reason, were exempted from military duty. Now that the term of military service has been reduced to one year, the argument has lost some of its strength. There are also advocates of the so-called family suffrage, which would give the head of a family several votes according to the size of his family. In this case, there would be no question of maturity, for minor children would be represented at the polls by their father.

4. Although there is a law with respect to the mental soundness of electors, this law is by no means stringent, since only those who have actually been confined to insane asylums, or been pronounced insane by judgment of court, are denied the right to vote. This means that many feeble-minded people, who have not been pronounced insane by a court, and who have retained their freedom, have the right to vote. Illiterate and mentally deficient persons can also vote, as well as the senile people kept by institutions for the aged.

5. A condemnation for certain criminal offenses costs the offender his right to vote. French law here is rather severe. It even deprives any business man who goes bankrupt of the right to vote. This provision is one of the many legal requirements which have all contributed to make prudence the rule of French business. The decree of February 2, 1852, deprived the bankrupt of the right to vote for the rest of his life. Under the law of December 30, 1903, he was debarred from voting for only ten years, and



this period was reduced to three years by the law of March 23, 1908.

#### THE SYSTEM OF TERRITORIAL REPRESENTATION

Elections are conducted on a basis of territorial division. The territorial unit may be the commune, in case of elections to the Municipal Council, or the *canton* for the elections to the *conseil général* and *conseil d'arrondissement*, or the *département* in case of Senatorial elections. With respect to elections to the Chamber of Deputies, two territorial divisions have in turn prevailed, the *arrondissement* and the *département*.

According to section 14 of the organic law of November 30, 1875, each *arrondissement* elects a deputy. In case an *arrondissement* has more than one hundred thousand inhabitants, it elects one deputy for each one hundred thousand inhabitants or fraction thereof. Under the law of June 16, 1885, it is the *département* which elects one deputy for each seventy thousand inhabitants or fraction thereof. The former division is now employed. The law of February 13, 1889, reverted to the *arrondissement* basis of election. The law of July 12, 1919, provided that each *département* should elect one deputy for each seventy-five inhabitants or fraction thereof, with a minimum of three deputies for any single *département*. The law of July 21, 1927, reverted to the *arrondissement* system—the *arrondissements* with a population of more than one hundred thousand inhabitants being divided into two or more constituencies—and the Chamber saw to it that this division should be done in such a way as to insure the reelection of the deputies in office at the time. Six hundred and fifteen constituencies were thus cut

out of the map of France, and these have been unchanged by the last electoral law of March 25, 1932.

This system of territorial representation has been attacked on various grounds. Particularly since the rise of fascism in Europe, it has been the fashion to ask that economic representation be substituted for the territorial system. However attractive in theory, professional representation is not easy to enforce. The problem of determining equitably which groups shall be represented, and in what proportion, is almost insoluble. The principle of proportional representation results in the Russian system by which each group of twenty-five thousand industrial workers elects one deputy, while an electorate as large as one hundred thousand peasant voters also elects the same deputy.

But the system of territorial representation also leads to many inequalities. Consideration of petty politics has caused the Chamber of Deputies to draw the electoral map of France in a way which puts some constituencies at a great disadvantage, and which in some cases is positively unlawful. For instance, whereas, according to law, there should be two deputies for all *arrondissements* the population of which is between 100,000 and 200,000 inhabitants, there are ten such *arrondissements* which at present elect only one deputy, although their population ranges from 111,944 for the third electoral district of Valenciennes to 137,718 for the second electoral district of Corbeil. On the other hand, many *arrondissements* with a population of less than 30,000 have the right to elect a deputy, as, for instance, Florac with its 22,338 inhabitants, Castellane with 25,258 inhabitants and others. M. Joseph-Barthélemy remarks, "The four constituencies of St.

Etienne, with a total population of 400,000 inhabitants, elect four deputies, while the two *départements* of Hautes-Alpes and Basse-Alpes, with a total population of 175,000 people, elect six deputies."<sup>2</sup> Within the same *département* there may be shocking inequalities. In the *département* of Loiret, for instance, the deputy of the first constituency of Orléans represents in Parliament more than 100,000 people, which is twice as many as the deputy of the constituency of Pithiviers, with its 49,893 inhabitants.

As the result of such a system, at the last elections of May, 1932, the socialist candidate in the constituency of Castellane was elected by 4019 votes, whereas M. Mottu, the moderate candidate in the second constituency of Corbeil, was defeated although he had obtained 20,216 votes.

As M. Joseph-Barthélemy concludes: "Parliamentary experience shows how difficult it is to eradicate such grotesque inequalities; yet we must aim relentlessly to eliminate the most shocking among them."<sup>3</sup>

#### UNINOMINAL ELECTIONS VS. PROPORTIONAL REPRESENTATION

Inequalities resulting from the principle of territorial representation are minimized under the system of proportional representation. When elections are conducted on the basis of electoral constituencies electing one deputy each—which is known as *scrutin uninominal*—all the seats will be won by the party in majority in each constituency. Under this system,

<sup>2</sup> Joseph-Barthélemy and P. Duez, *op. cit.*, p. 352. The other figures given in this section are also taken from their book.

<sup>3</sup> Joseph-Barthélemy and P. Duez, *op. cit.*, p. 353.

parties in minority run the risk of securing a representation in Parliament far from proportionate to the total vote that they command in the country as a whole.

Let us take, for instance, a *département* consisting of seven constituencies. There are in each constituency 10,000 electors and three candidates belonging to the political parties A, B, and C. Let us suppose that in each constituency the candidate of party A gets 5001 votes, the candidate of party B 3499 votes, and the candidate of party C 1500 votes. Under the uninominal system of election, the party A, which has commanded 35,007 votes, will carry the election of its seven candidates, while the parties B and C, which commanded 34,993 votes, will not carry the election of any of their candidates. On the contrary, under the system of proportional representation, party A will have four deputies, party B two deputies, and party C one deputy. This system of representation is not mathematically proportional to the number of votes cast for each political party, but it is far more representative of the political color of the country than the uninominal system of election.

Yet it is the uninominal system of election which has been used in France ever since 1875, with two brief interruptions, from 1885 to 1889, and from 1919 to 1927. This uninominal system, combined with the fact that a considerable proportion of electors fail to vote, means that the most important pieces of legislation are voted upon by deputies representing altogether less than one fourth of the electorate, that is to say, about one tenth of the entire population. The classical example in this connection is the law of separation between Church and State of December 9, 1905. It was voted by a ma-

jority of 341 deputies representing 2,647,315 out of 10,967,000 electors, and a French population of 38,000,000.

This does not mean that the system of proportional representation is perfect. It tends to divide the majority into a great number of small groups, which are an element of governmental instability. Yet proportional representation is a better approach to perfection than the uninominal system.

The law of July 12, 1919, introduced a system which was a compromise between proportional representation and the rule obtaining under the uninominal system that a candidate who has the absolute majority is elected. Let us take for instance a *département* in which 200,000 votes are cast. There are two lists of candidates, those of party A and those of party B. The list A gets 101,000 votes, while the list B gets 99,000 votes. Under the law of 1919, all the candidates of list A will be elected, but none of list B. This can hardly be called proportional representation. If, instead, there are three lists, none of which wins the absolute majority, deputies will be apportioned to each party in proportion to the number of votes they win respectively. Unimportant amendments were introduced in the system by the law of March 15, 1924. The socialist party which had been for long a champion of proportional representation found that the unfortunate compromise of 1919 had prevented it from winning forty-five seats. Its hostility was largely responsible for the passage of the law of July 21, 1927, which provided for the return to the old-fashioned uninominal system of election.

But the latter system has many enemies. It is open to many other criticisms besides the funda-

mental one that it is the basis of an inadequate representation of the political color of the country. Elections under the uninominal system are more accessible to government pressure than under proportional representation. The Second Empire had incorporated the uninominal principle into its Constitution, so that the *préfets* might more easily influence the elections. Under the uninominal system, electors vote for a given individual, in whose favor they are likely to be prejudiced. Under proportional representation, the necessity of voting for a list of candidates makes the election a question of choosing between political creeds. As a result, the candidate elected under proportional representation feels much more independent of his electors than does the candidate elected under the uninominal system.

#### THE VOTE

In order to exercise the right to vote, male citizens who are of age must be registered on the electoral list of a given commune. The right to register in a commune belongs to those who are taxpayers in it, or who have resided there for the past six months. The same list is used for all elections. A hierarchy of administrative tribunals decides all controversies concerning registration on the electoral lists.

Soldiers are registered on the electoral lists, but cannot vote because the requirements of military discipline are deemed incompatible with the exercise of political rights. For a long time domestic servants were denied the right to vote, on the ground that they were not sufficiently independent of their masters.

Voting is strictly optional. It is a moral duty only, but French voters abstain in such great numbers

from performing this duty that various bills have been introduced into Parliament to make it compulsory. The most recent bill to that effect was voted by the Chamber in February, 1932, but defeated in the Senate.

From 1875 to 1919, an average of 24 per cent of the registered electors have failed to go to the polls. At the legislative elections of November, 1919, as many as 30 per cent of the electors abstained from voting. But the serious economic and political problems of the post-war period have stirred such interest in the people that only 20 per cent of the electors failed to vote at the legislative elections of May, 1924, a proportion which was further reduced to 16 per cent at the elections of May, 1928.

While voting remains optional, it is facilitated by being held invariably on Sunday from eight in the morning to six at night, and by the fact that there is at least one polling booth in each commune.

Voting is secret. Envelopes of a uniform type are distributed to voters, for the insertion of the ballot, and this must bear no mark of identification. Voters insert the ballot into the envelope in the secrecy of a booth, and themselves put the sealed envelope into the ballot box.

Precautions are taken to insure the fairness of the ballot. The ballot room is open to the public, and the voting envelopes are received by a committee consisting of the two oldest and the two youngest voters. The mayor of the commune, or his delegate, acts as chairman for municipal, cantonal and legislative elections, and the President of the Civil Tribunal of the chief town for senatorial elections.

In small villages it has often been impossible to insure the fairness of the ballot by relying on the

electors themselves. There the mayor has much latitude in manipulating the ballot, as individual electors do not dare to interfere with the most powerful official in the village. To eliminate this abuse, the candidate should have the privilege of appointing supervisors.

The ballots are counted in public by tellers (*scrutateurs*) appointed by the candidates. For elections to the Chamber of Deputies the results of all polling stations are collected by a committee consisting of the President of the Civil Tribunal, assisted by the four senior members of the *Conseil Général*.

Reasonable precautions are also taken to prevent threats, bribes, and promises made with a view to influencing electors' votes. The law of March 20, 1914, has substantially improved the election procedure, by limiting electoral bill posting with a view to preventing the wealthier candidate from having an advantage over his less fortunate opponents.

## SECTION II—PARLIAMENT

### THE PRINCIPLE OF BICAMERALISM

Section 1 of the constitutional law of February 25, 1875, provides that the legislative power shall be exercised by two assemblies: the Chamber of Deputies and the Senate.

The principle of bicameralism is a very ancient one. It is as old as the parliamentary system. The upper chamber in a parliament has traditionally represented the resistance of the social forces of the past, such as the aristocracy of birth and wealth, to a rising democracy. Although theoretically the ultimate triumph of democracy involved the disappearance of the upper chamber, the only exceptions to



the principle of bicameralism today are Spain, Turkey, Esthonia, Lithuania, Latvia, and Finland. Even Servia and Greece, as well as some republics of Latin America, have of late organized a Senate.

Experience has proved that the bicameral system is a source of moderation in parliamentary activities. An upper Chamber acts as a brake upon the occasionally rash moves of the lower Chamber. In particular, an upper Chamber prevents the lower Chamber from using its force despotically—a development which Montesquieu had anticipated. The necessary intervention of the upper Chamber in the legislative process involves a delay which prevents the enactment of legislation under the spur of emotion. Finally, as long as the President of the Republic is elected by Parliament, he enjoys more independence with a bicameral Parliament than if he were the delegate of a single house.

Yet the trend in most democracies has been to deprive progressively the upper Chamber of many of its prerogatives, thereby increasing the power of the lower Chamber. In France, although the Chamber of Deputies is, without doubt, the pivot of the parliamentary system, the Senate has stood its ground much better than the House of Lords in England.

It is not only by opposing woman's suffrage that the senate is proving its vigor, but by overthrowing cabinets at an increased rate. It disrupted the *Cartel des Gauches* in 1926, and subsequently overthrew the Tardieu and Laval cabinets. Its resistance to Doumergue's proposed amendments to the Constitution brought about the latter's resignation in November, 1934. There are indications that the French Senate is not ready to succumb to the democratic wave which elsewhere has strengthened the lower

House in Parliament at the expense of the upper House.

#### THE RECRUITMENT OF THE SENATE

If the Senate plays a useful rôle in French Parliament by acting as a brake upon the Chamber of Deputies, this is to a large extent due to the system of recruiting senators. According to the Constitution of 1875, the Senate had three hundred members, one quarter of whom were given a life tenure—*sénateurs inamovibles*. The latter were selected by the National Assembly, and upon their death their successors were to be selected by the Senate. In principle the *sénateurs inamovibles* were to be recruited from the greatest men in the nation, but in practice they were selected largely among politicians. The other two hundred and twenty-five senators were to be elected in each department by an electoral college, consisting of the deputies, the *conseillers généraux* and the *délégués sénatoriaux*, elected by the municipal councils. Under the Constitution of 1875, there was only one such delegate in each commune, which meant that Paris with two million inhabitants had one delegate, just as a village of fifty inhabitants. The excuse for this system was that the commune in France is the most important political as well as social unit, and it seemed desirable that the Senate should be "the great council of the French communes." The truth was that the National Assembly desired the majority of the Senate to be controlled by the rural districts of the country, insuring thereby the unquestionable conservatism of the upper House.

The law of August 14, 1884, amending the Constitution, followed by the ordinary law of December 9, 1884, did away with the *sénateurs inamovibles*, as

well as with the principle that each commune has an equal vote in the election of senators.

The number of *délégués sénatoriaux* to be selected by the municipal council in each commune was to vary with the population of the commune. A commune with a population of 500 inhabitants was entitled to one delegate; a commune with a population of between 501 and 1,500 inhabitants was entitled to two delegates; communes with a population of more than 60,000 inhabitants could not have more than twenty-four delegates, with the exception of Paris, which was entitled to thirty delegates. Although this system represents a genuine improvement, it means, nevertheless, that Paris with 3,000,000 inhabitants has only thirty delegates, whereas the two suburban communes of Saint-Denis and Levallois, with a total population of 160,000, have together forty-eight delegates. With this mode of selection, the small towns, which are known for their republicanism, anti-clericalism and social conservatism, practically control the recruitment of the Senate.

Furthermore, senators are elected for a nine-year term. Elections to the Senate take place every three years, one third of the Senate body being elected at a time. The age requirement is forty for a senator, as against twenty-five for a deputy. Lastly, with the system of second-degree elections, most senators are recruited among sedate local politicians. All these rules of selection show why the Senate can be so effectively used as a brake on political passions.

#### THE RECRUITMENT OF THE CHAMBER OF DEPUTIES

Deputies are elected by universal suffrage, and at the first degree, in accordance with the rules previ-

ously described. They are elected for a term of four years, which seems too short to many who claim that the first year is a mere period of apprenticeship, and that the last year is devoted to preparing the reelection. At best two years of useful work remain.

Only those citizens who have the right to vote can also be elected to the Chamber of Deputies. But there are some further requirements for eligibility. The candidates must be twenty-five years old. Naturalized citizens cannot be elected to the Chamber of Deputies until they have been naturalized for ten years. Neither members of the various families which formerly ruled France, nor men in active military service are eligible. There is also a long list of civil servants who cannot be elected in the constituency in which they hold a public office, because this position would enable them to bring undue pressure to bear on a great many electors. However, these civil servants can be elected anywhere else.

Any candidate who meets these various requirements may be elected in whatever constituency he chooses, providing he has made a declaration of candidacy there. He need not maintain his domicile or residence, or be a taxpayer in that particular constituency, as is the case for all local elections.

~~Candidates can be reelected indefinitely.~~ This principle has been attacked on the ground that it gives birth to a class of professional politicians, who are tempted to put their own career ahead of the interests of the country. Although many deputies are of this type of professional politician, the best men in Parliament develop into true statesmen through years of work on the legislative committees.

Parliament is a goal for most politicians, but a training school for the few who will play a rôle of some importance as reporters of the great committees or in the cabinet.

#### PARLIAMENTARY SESSIONS

According to the constitutional law of July 16, 1875, the Senate and the Chamber of Deputies meet every year on the second Tuesday of January, unless the President of the Republic decides to call an earlier meeting. The session which then opens, and which is known as the "ordinary session," continues for at least five months. Once the five months of the ordinary session have elapsed, the President of the Republic may close the session. In actual practice, the parliamentary recess begins about the fourteenth of July, and the uncomfortable summer heat inclines deputies and senators to look upon the closing decree as the welcome summons to a well-earned vacation, rather than as a dictatorial gesture on the part of the executive.

One of the most important prerogatives of the president is his right to ask the Chambers to adjourn for a month during the ordinary session. The executive can ask for two such adjournments in any one session. Yet the session must have five full months of useful work, which means that in case the Chamber has been asked to adjourn twice during a session, the closing decree cannot be made until seven months after the beginning of the session.

The idea underlying this right of the executive to ask Parliament to adjourn is that Parliament may become at times so turbulent and difficult to control as to render the task of government impossible. Adjournment should be regarded as a preliminary

measure to dissolution. Parliament has been adjourned only twice during the Third Republic; first by MacMahon in May, 1877, and recently in March, 1934, to provide some respite for Doumergue's truce government.

Parliament also has extraordinary sessions. Parliament, for instance, meets two days after martial law is declared, and without any convocation from the executive. The President of the Republic is also obliged to call for an extraordinary session when the absolute majority in each house asks for such a session. The Government may also summon Parliament to convene in an extraordinary session whenever it pleases. In actual practice, there is an extraordinary session every fall, from October to December.

The Senate and the Chamber of Deputies hold their sessions simultaneously. There are two exceptions to this rule: (1) when the Senate acts as a high court of justice and (2) when the Chamber of Deputies has been dissolved.

An important rule is that the closing of a parliamentary session has no influence on the legislative procedure. Bills which have not been voted before the end of a session will be voted during the coming session. In England all the preparatory work would have to be done over again.

#### PARLIAMENTARY REGULATIONS

The fragmentary and undetailed character of the Constitution of 1875 caused both the Chamber of Deputies and the Senate to issue regulations covering in detail every aspect of the parliamentary work. These regulations are binding only within the parliamentary sphere, and do not come under the jurisdic-

tion of the court. The regulations of the Chamber of Deputies were adopted on the sixteenth of June, 1876, and those for the Senate on the tenth of June, 1876. The regulations of the Chamber of Deputies were thoroughly amended on the fourth of February, 1915.

#### THE "BUREAUS"

The Senate and the Chamber of Deputies each elect a bureau which performs all of the administrative tasks involved in the functioning of Parliament.

A new bureau is elected for each house at the beginning of each ordinary session. It remains in power for a whole year. The bureaus are elected by secret vote.

The bureau of the Chamber of Deputies consists of a president, four vice presidents, ten secretaries, and three questors. The bureau of the Senate consists of a president, four vice presidents, eight secretaries, and three questors.

The president of both houses performs the important task of conducting parliamentary debates. This task is a difficult one in a country where politics are imbued with passion. But the Presidents of the French Senate and Chamber have always shown a remarkable degree of impartiality. For instance, M. Bouisson, who has been president of the Chamber of Deputies for several years, belongs to the Socialist party which has always been so far in the opposition. But, like all his predecessors, M. Bouisson presides over the often heated debates of the Lower House in a way which never betrays his own political creed.

## THE "GROUPS"

The members of both houses in Parliament are distributed among several groups, in accordance with their political color. Each of these groups elects a bureau, the president of which is endowed with certain legal privileges in the administration of the Chamber.

Apart from their political influence, the parliamentary groups play a very important rôle in the procedure of designating members for the various committees. Each group designates members for these committees in proportion to its numerical importance. The principle of proportional representation obtains here, and makes the parliamentary committee a reflection of the political color of Parliament.

When an important question comes up for discussion before one of the houses, speakers may be designated by each group to present its views. Those so designated have the privilege of speaking for a full hour, and they have precedence over any who are speaking only on their own account.

French Parliament, especially the Chamber of Deputies, is divided into a great many groups, the number of which seems excessive to the student of the parliamentary system in Anglo-Saxon countries. The 1914 Chamber had twelve groups; the Chamber of 1919 had nine groups. There were eleven groups in 1924, fifteen in 1928, sixteen in 1932 and eighteen today.

There are various reasons for this parceling out of the Chamber of Deputies among so many political groups—the first of which is the personal ambition of many deputies. However small the group, it may



be an indispensable part in the building-up of a majority; the man who organizes a new cabinet will offer one or two portfolios to such a group; and some deputies may rise to cabinet positions thanks to their membership in this group, rather than to their qualities of statesmanship. Membership in a group is also the only way to be appointed to a committee. If a deputy cannot be appointed to the committee on foreign affairs, he may organize his own group, which will be entitled to representation on this committee.

It is not on the left, where parliamentarians usually belong to one of the two great "cartel" parties, that groups flourish, but in the center, where the lack of a clear-cut political opinion is favorable to the existence of numerous groups differing in their political creed by only a shade. As a result, it is difficult to detect where the majority ends and where the opposition begins, and this parceling out of the center in French Parliament is one of the great factors of instability in French politics.

This situation in French Parliament has often been contrasted with the British three-party system, which makes for a clear-cut distinction between the majority and the opposition. It may even be asserted that the very seating arrangement in the House of Commons, according to which the opposition faces the majority, represents the simplicity of the British parliamentary game. The French Chamber of Deputies, on the other hand, has semi-circular rows of seats, which convey the idea of a gamut of innumerable shades, ranging all the way from the bright red of the extreme left to the pure white of the extreme right. It cannot be denied, however, that each of the large British parties represents a great many

shades of opinion, just as the Republican and Democratic parties in the United States do. In France, on the other hand, the lack of sharp political distinction between a great many parliamentary groups makes for the possibility of coalitions embracing at once radicals and conservatives, such as those which lent life to the Poincaré National Union Cabinet of 1926 and the Doumergue Truce Cabinet of 1934.

On the first of January, 1934, the groups in the Chamber of Deputies were from right to left:

Droite	{	Indépendants with a membership of . . . . .	12
	{	Groupe républicain et social (Pernot) . . . . .	17
	{	Action économique sociale et paysanne . . . . .	5
	{	Fédération républicaine (U.R.D.) (Marin) . . . . .	42
Centre	{	Centre républicain (Tardieu) . . . . .	33
	{	Républicains du centre (Alsatians) . . . . .	6
	{	Démocrates populaires . . . . .	16
	{	Républicains de gauche (Flandin, Piétri) . . . . .	32
		Gauche radicale . . . . .	44
Gauche		Indépendants de gauche . . . . .	23
		Gauche indépendante . . . . .	14
		Radicaux et radicaux-socialistes . . . . .	157
		Républicains socialistes . . . . .	13
		Socialistes français . . . . .	11
		Groupe socialiste de France . . . . .	30
		Socialistes (S.F.I.O.) . . . . .	98
Isolés		Unité Ouvrière . . . . .	9
		Communistes . . . . .	10
Total . . . . .			599

This list, indicating the seating arrangement in the Chamber of Deputies, conveys a wrong idea of the relative political color of the various parties. A newly created party may follow an older party in the apportionment of seats, which means, for instance, that the *Groupe républicain et social*, which is not so conservative as the *Fédération républicaine*, sits nevertheless on the latter's right.

The Senate is not so highly divided as the Cham-

ber of Deputies. Its groups on January 1, 1934, were, according to their numerical importance:

Gauche démocratique, radicale et radicale-socialiste.....	166
Union républicaine.....	64
Union démocratique et radicale.....	31
Gauche républicaine.....	13
Socialistes S.F.I.O.....	9
Socialistes de France.....	7
Droite.....	5
Indépendants de gauche.....	3
Isolés.....	14
Total.....	312

#### LEGISLATIVE COMMITTEES<sup>4</sup>

New bills are prepared by committees organized within each house of Parliament. Throughout the nineteenth century, committees were not permanent. A committee would be organized for the study of each new bill, and would dissolve upon the completion of its work. Following at last the British and American precedents, the Chamber of Deputies organized from 1902 to 1920 twenty great permanent committees, each one specializing in a given field.

- Committee on General, Departmental and Communal Administration
- Committee on Foreign Affairs
- Committee on Agriculture
- Committee on Algiers, the Colonies and Protectorates
- Committee on Alsace-Lorraine
- Committee on the Army
- Committee on Social Insurance and Relief
- Committee on Commerce, Industry and Commercial Treaties
- Committee on Accounts and Economies
- Committee on the Tariff
- Committee on Public Education and Fine Arts
- Committee on Finance
- Committee on Hygiene

<sup>4</sup>For an exhaustive study of the parliamentary committees, see Lindsay Rogers, "Parliamentary Committees in France," *Political Science Quarterly*, Vol. XXXVIII, pp. 413-442; 602-635 (September-December 1923), and the recent book of Joseph-Barthélemy, *Essai sur le travail parlementaire et le système des commissions*, Paris, 1934.

- Committee on Civil and Criminal Legislation
- Committee on Merchant Marine
- Committee on the Navy
- Committee on Mining and Mechanical Power
- Committee on Aeronautics
- Committee on Labor
- Committee on Public Works, and Means of Communication

It is regrettable that the apportionment of the legislative work between committees does not parallel more closely the apportionment of the executive work between ministers. From this point of view, the Senate committees seem to follow a more judicious system of division. These committees are:

- Committee on the Army
- Committee on the Navy
- Committee on Foreign Affairs, Colonies and Protectorates
- Committee on the Tariff and Commercial Treaties
- Committee on Railways, Transportation, National Equipment
- Committee on Agriculture
- Committee on Public Education
- Committee on Hygiene, Assistance, Social Insurance and Relief
- Committee on General, Departmental and Communal Administration
- Committee on Civil and Criminal Legislation
- Committee on Commerce, Industry, Labor and the Postal Service
- Committee on Finance

These great committees consist of forty-four members for the Chamber committees, and of thirty-six members for the Senate committees. No one can be a member of more than two of these committees, and it is an unwritten law that deputies either to the Foreign Affairs Committee or the Finance Committee cannot belong to any other committee. These committees are elected for one year but, in actual practice, the same men are reëlected to a given commission upon the completion of their first-year term.

As previously suggested, the committees are elected by the groups in proportion to their numer-

ical importance. If there are, altogether, 615 deputies, a group of 130 deputies is entitled to  $\frac{615 \times 130}{44}$

= 8 members on each committee. A group consisting of fourteen deputies will be entitled to one member on each committee. A group of less than fourteen deputies will be entitled to one member on some committees. For instance, a group of seven deputies will have one member on ten committees out of twenty.<sup>5</sup>

Seats on the Foreign Affairs and Finance Committees are the object of the keenest competition. Deputies from the rural districts are eager for appointment to the Committee on Agriculture, while those from the cities aspire to the Committee on Commerce.

In addition to these great committees, there are less important committees, the creation of which is decided by each legislature, and the term of which is equal to the term of the legislature. Such are the Committees on Universal Suffrage, on Beverages, and on the Devastated Areas. In the Chamber of Deputies these committees consist of thirty-three members instead of forty-four.

Occasionally, a special committee may be appointed for the study of a particular question. Such was the case with regard to the Peace Treaty, which was not studied by the Committee on Foreign Affairs

<sup>5</sup> Although their election follows the rule of so-called proportional representation, the committees do not always adequately represent the political color of either house in Parliament. As a result, a committee may be hostile even to a cabinet which commands a solid majority in Parliament. For instance, during the Tardieu Ministry, 1931-32, both the president and the reporter of the Chamber Finance Committee, Malvy and Lamoureux, were in the opposition. When such a situation arises, it complicates further the already difficult task of the Cabinet.

but by a specially appointed committee, continuing only for such time as the preparation of the treaty required.

Each committee has a president who enjoys considerable powers, as he has the right to speak at any time before Parliament for as long as one hour.

Each committee appoints a reporter, whose task it is to prepare and present to Parliament a report on the special question studied by the committee. When a bill has been proposed by the government, it is studied by a committee whose reporter will discuss the bill before Parliament in a capacity and with an authority which, in many instances, make him the rival of the government's spokesman. This is particularly true in the case of the budget. The government demands a new appropriation. But the Chamber will seldom grant it before the reporter of the Finance Committee has declared himself.

From this, it is easy to see how tremendous the power of the committees is. Some political writers have gone as far as to speak of committee government. However, it cannot be denied that the parliamentary committees are indispensable, and that they have done excellent work in the careful study, preparation or rejection of the innumerable bills proposed each year either by the government or by members of Parliament. It is true that only a small percentage of the deputies attend the sessions of their respective committees or make any contribution to their work, but as Messrs. Joseph-Barthélemy and P. Duez put it: "The actual presence of deputies who are not interested in a given question is a hindrance rather than a help. In fact, one cannot expect that all deputies will be interested in every question. The drafting of a bill by a committee will

be done better by six men than by forty-four, just as the discussion of a bill before the Chamber will be more effectively carried on by fifty deputies than by six hundred."<sup>6</sup>

However indispensable they seem, the committees have not facilitated the task of the executive. The Cabinet would certainly be stronger against an unorganized mob of politicians than against a parliament organized in committees, with men at their head who boast of thorough proficiency in their special fields. Poincaré, a statesman who did not fear Parliament, repeatedly criticized the growing power of the committees, which he considered a dangerous hindrance to the functioning of government. He deplored the impossible task of the minister who has to defend his policy before four different bodies: the Chamber Committee, the Chamber, the Senate Committee, and lastly the Senate, thus wasting his valuable time in a vain repetition of the same argument. His task is further complicated by the fact that the hearings before the committees are not public.

The Finance Committee of the Chamber of Deputies has developed into a parliament in itself. Under the pretext that any move or policy, in any field ranging from public education to foreign affairs, requires an appropriation, this committee assumes the right to investigate any problem of government. For instance, this committee investigated the matter of the resumption of diplomatic relations with the Papacy, because the sending of a diplomatic representative to the Vatican would require an appropriation.

<sup>6</sup> *Op. cit.*, p. 549.

## PARLIAMENTARY PROCEDURE

The sessions of both houses of Parliament are public. Anybody has the right to attend them in the galleries intended for this purpose. The representatives of the press and of the diplomatic corps are also admitted. A full report of the debate appears in the *Journal Officiel de la République Française*, and the posting of some speeches in all city halls of the country may be ordered by a majority vote. Under exceptional circumstances, Parliament may hold secret sessions, to which the public is not admitted, and of which no record is kept.

When a bill is introduced by the Government it is known as a *projet de loi*. When introduced by a member of Parliament it is a *proposition de loi*. *Projets* and *propositions de loi* cannot come up for public discussion until after the proper committee has presented a report on the matter.

Before the public discussion of the proposed bill begins, anyone may ask whether this discussion should not be avoided either on the ground that the proposed bill is unconstitutional or that it is inopportune. This is known as the *question préalable*, on which a vote is taken.

If the *question préalable* is set aside, a discussion of the bill ensues, which at first bears on the bill as a whole. When this *discussion générale* is closed, a vote is taken to determine whether the Chamber wants to discuss the bill section by section. If the vote is negative, it means that the bill is rejected. If not, the *discussion des articles* takes place, in which each section as well as the proposed amendments are discussed. After this discussion of the de-



tails of the bill, a final vote is taken on the whole of the bill, as it stands with its various amendments.

When such discussion takes place in the Senate, any Senator may take the stand for any length of time. In the Chamber, since 1926, the right to deliver a speech has been restricted to members of the Cabinet, presidents and reporters of the committees interested in the question under discussion, the authors of the *proposition* (*proposition de loi, résolution, interpellation*), and to those deputies whose group has given them a mandate to participate in the discussion on its behalf, it being understood that only one out of fifty deputies can be so designated.

Members of the Cabinet may speak as long as they please. Presidents and reporters of the committees, the author of a *proposition*, and speakers designated by a group cannot exceed one hour; the author of an amendment is limited to half an hour, etc.

After at least two speakers have presented opposite views on the question under discussion, the president of the chamber or any deputy may move that the discussion be closed. If the Chamber votes the *clôture*, no further speeches on the question will be permitted.

The vote is taken according to various procedures—the crudest of which are by a show of hands, or by calling on the Aye's and No's to rise in succession. These methods of voting can be used only when there is an overwhelming majority of pros or cons. When the Chamber seems evenly divided, a balloting urn is passed from seat to seat, and each deputy drops his ballot into it, a white ballot to vote Aye and a blue ballot to vote No. The name of the dep-

uty is printed on his ballot, as there must be no secrecy in the voting.

This principle of the publicity of the vote is excellent, as it gives a sense of responsibility to senators and deputies. But, like so many democratic institutions, it has its bad side, in that it induces a great many members of Parliament to vote with the aim of pleasing their electors, rather than according to their conscience. Specifically, more secrecy in the voting would facilitate the balancing of the budget.

The system of voting has another defect which is peculiar to the French Parliament: namely, the possibility of voting by proxy. White and blue slips, kept in little desks attached to the back of the seats, may be used by the deputies present at the time of the ballot to cast votes on behalf of their absent colleagues. Full attendance of deputies at all public sessions is out of the question. Some deputies in each group, however, make a point of being invariably present, and they take it upon themselves to vote for the absent members of their group. These deputies are known as the *boîtiers*. Under this system, four hundred votes, or even more, may be cast, —though but fifty deputies are present. Several deputies may vote on behalf of the same absent colleague, with the result that more votes are sometimes cast than there are members in the Chamber. In the vote of confidence asked by the Chautemps Cabinet on February 25, 1930, two thousand votes were cast for six hundred and twelve deputies.

A deputy who was absent from the debate, but whose ballot was cast by a *boîtier*, may ask to have his vote "rectified." The *boîtier*, for instance, may have voted Aye on his behalf, and he subsequently declares that, if present, he would have voted No.

An unpardonable abuse is for a deputy who was present to claim that he was absent, and that his ballot was cast by a colleague in a sense with which he disagrees. This is liable to occur when a deputy has voted against the Government to please his electors. But when he finds out that the Government has not been overthrown, he asks for a "rectification" of his vote, in order to placate the Government.

Though it lends itself to abuse, the vote by proxy has the undeniable advantage of expressing more adequately the national representation than if only fifty deputies were voting, and M. Joseph-Barthélemy, in his report to the Chamber of Deputies, of June 3, 1925, declared himself in favor of the maintenance of this system.<sup>7</sup>

If the result of this ballot still does not satisfy the Chamber, fifty members may demand a "ballot at the tribune" which is the most solemn method of voting. The names of the deputies are called in alphabetical order. Each deputy, as his name is called, walks to the speaker's tribune, and hands his ballot to one of the secretaries, who drops it in the urn. No proxy voting, no rectification are allowed here. This "ballot at the tribune" may not be closed until one hour has elapsed. This delay prevents an active minority from taking advantage of the fact that, at a given moment, it may command a majority of the deputies actually present, with the result that a surprise vote is taken. It is felt that an hour gives the various groups time enough to summon their absent members. Yet this kind of ballot remains the weapon of the minority, and the Socialist party

<sup>7</sup> Joseph-Barthélemy and P. Duez, *op. cit.*, p. 557.

asked for such a ballot in the middle of a night session, during the budget discussion of 1931.<sup>8</sup>

#### HOW A BILL BECOMES LAW

When the *discussion des articles* has been concluded, the question of passing the bill as a whole is submitted to the Chamber, and if the vote is affirmative, the proposed bill goes to the Senate, where it follows much the same procedure as in the lower house. If the Senate adopts it without amendment, it is laid before the President of the Republic for promulgation. The Constitution authorizes the President to delay promulgation, and to ask Parliament to reconsider its vote, but, as a matter of fact, the President never uses this prerogative.

If the Senate amends the bill, the amended measure goes back to the Chamber, which has to agree to such an amendment. It repeatedly happens that a bill never becomes law through failure to secure agreement on a minor provision. When the bill is proposed by the government, the deadlock between the two chambers can often be broken, because of the ministers' right to address both assemblies. This is not so simple a matter in the case of private members' bills.

#### VOTING THE BUDGET

The most important business at every legislative session is the voting of the budget. Historically, in all Western democracies, the right to check government expenditures has been demanded by the people before any legislative right. As early as the fifteenth century, the French kings convened the

<sup>8</sup> An electrical device for voting by pushing buttons from each deputy's seat has just been introduced.

*Etats-Généraux*, composed of representatives of the three orders—clergy, nobility, and third estate—to vote upon new taxes required at times of extreme financial stringency. It should also be borne in mind that the French Revolution started because of Louis XVI's inability to balance the budget, which led him to summon a meeting of the *Etats-Généraux*. Thus the parliamentary system grew out of the people's need for protection against the financial extravagance of the kings. But ironically enough, modern parliaments, especially in France, have taken their turn at indulging in financial extravagance, and it has become one of the most difficult tasks of the government to protect the people against the lavish expenditure of their elected representatives. The order of the day in France is that the budget, as prepared by the Minister of Finance, expands at every step, first when it goes through the Finance Committee of the Chamber of Deputies, and second when it is examined by the Chamber in public session.

The French parliamentary practice is that Parliament has the upper hand in all financial matters. The principle is not formulated in the Constitution, but is the outgrowth of all the nineteenth-century precedents, particularly during the Restoration.

Parliament alone decides to increase the taxes, or to impose new taxes. Parliament alone authorizes all government loans and expenditures. Since taxes and loans pay for such expenditures, Parliament votes first the budget, and second the finance bill providing for government revenue. Yet the post-war necessities have so increased the demands for which the government must provide that the voting of the budget cannot be made independently of the

consideration of the government revenues. Government expenditure would be considerably increased if the impossibility of obtaining adequate revenue did not act as a deterrent upon the Parliament's generosity.

It sometimes happens that the Government is unexpectedly confronted with the absolute necessity of making an expenditure which has not been provided for in the budget. In such a case a *crédit additionnel* is appropriated by Parliament.

Since the Restoration, the principle has been in effect that the Government may not expend for another purpose money which has been appropriated for a specific chapter of the budget. For instance, funds appropriated for the artillery service cannot be spent for the building of a canal. Even in the budget of a given ministry, funds must be spent for the purpose for which they were appropriated. For instance, funds appropriated for primary education cannot be spent for secondary education. The budget is divided into more than two thousand articles, and funds appropriated for the specific object provided for in a given section cannot be spent otherwise. Thus the government is narrowly restricted in its action. As a matter of fact, there are ways and means of dodging the apparent stringency of this rule. The army and navy departments have been particularly skillful in the diverting of funds from one purpose to another.

The appropriation of the so-called "secret funds" is an exception to this rule. Each year the budget puts at the disposal of certain ministries sums of money which can be spent freely for any purpose that the Minister pleases. Parliament may not ask the government to account for the use of these

funds. The most important secret funds are put at the disposal of the Ministry of Foreign Affairs, about twenty million francs a year, which are chiefly used to bring pressure to bear on the French and foreign press, with a view to furthering French foreign policies. Bills are frequently introduced into Parliament with the purpose of doing away with these secret funds, or of subjecting them to parliamentary control. They never meet with a favorable response, possibly because every single deputy hopes to become a minister some day, and to command the use of the secret funds.

The annual establishment of the budget is not only the commercial tradition but a parliamentary practice. Common sense requires that financial provisions be made for a limited period of time. Since this principle is not included in the Constitution, an ordinary law might decide otherwise, and the growing complexity of the budget makes its study by the chambers so burdensome that a two-year budget has sometimes been proposed.

Of late years, the discussion of the budget has resulted in so much bickering that Parliament has often failed to vote it in time. The funds needed by the government to carry on its task are then voted each month in lump sums known as provisional "twelfths." When the budget is finally voted, the sums already appropriated are deducted from the totals. In the fiscal years 1911, 1913, 1914, and 1926 seven provisional "twelfths" had to be voted. This reflects both the growing complexity of the budget and the inefficiency of Parliament. In the hope of doing away with this unfortunate practice of provisional "twelfths" a law was passed during Tardieu's premiership, on December 27, 1929, moving

the beginning of the fiscal year from the first of January to the first of April. Thus, it was thought, Parliament would have six months instead of three to study the budget. This measure had little effect, and the 1932 budget reverted to the old practice.

It is the Cabinet's task to prepare the budget. Each minister prepares his own budget, and the Minister of Finance prepares the financial bill, providing for adequate government revenues to meet the expenditures of each department.

Once established by the Cabinet, the budget is discussed by the Finance Committee in the Chamber of Deputies, the overwhelming power of which has been previously emphasized. In fact, the budget which reaches the Chamber for public discussion is the result of a compromise between the Government and this committee.

After this already long procedure the budget is discussed by the Chamber of Deputies. Here appears one of the most important features of the French parliamentary system, "*l'initiative financière*" of the deputies. While a famous rule in the House of Commons provides that no proposal of expenditures can be considered unless it emanates from the Crown, that is, the Cabinet, any deputy in France can propose that new items be inserted in the budget or that items already there be increased. It is true that the Chamber cannot vote such a proposal against the resistance of the Cabinet, unless it is ready to force the Cabinet's resignation by an adverse vote. But as the Cabinet is seldom willing to risk its existence on the mere issue of a budget increase, the discussion of the budget in the Chamber always leads to its increase.

There are limits, however, to this *initiative finan-*



*cière of the deputies.* In the first place, they cannot propose that salary and pension increases for governmental officials be introduced into the budget. Here the electoral purpose of the proposal would be too obvious. In the second place, the deputies cannot propose a new expenditure without at the same time proposing a new revenue or a corresponding increase in an existing revenue. Unfortunately, although individual deputies are bound by such restrictions, the Finance Committee is not. On the other hand, although deputies cannot have such increases introduced into the budget, they may reach the same result by proposing these increases through a bill that they will introduce independently of the budget.

This peculiarity of the French system has undeniably contributed to financial extravagance, and various reforms have recently been proposed in this connection which will be studied later.

The French system follows more closely the English with respect to the lower house's prevalence over the upper in financial matters. The Constitution simply provides that money bills shall be first introduced in, and passed by, the Chamber of Deputies. After repeated controversies between the two Chambers, the lower Chamber's right to the final word on all financial matters is now virtually conceded. The budget bill must be voted first by the Chamber before it goes to the Senate. There it is referred to the Finance Committee, but this body does not keep it very long. Then the budget is discussed by the Senate as a whole. But Senators cannot insert or increase items other than those previously proposed by the Government in the budget as it first reached the Chamber of Deputies. As a

matter of fact, the Senate is so deferent to the Chamber that it contents itself with asking the Chamber to reconsider the item proposed by the Government or with raising a given item to the Government's figure. Amusingly enough, the Senate often indicates such a wish to the Chamber by a nominal reduction in controversial items. This is the ironical symbol of the Senate's financial prerogative, which is practically restricted to decreasing or striking out items already in the bill.

If the deputies disagree with the amendments, the Senate gives way. This is a matter of expediency, not of law. The Chamber of Deputies drags out its discussion of the money bill so long that this does not reach the Senate in time for the latter to reverse the Chamber's decision on any controversial items. In this way, the Senate avoids responsibility for the extremely unpopular provisional "twelfths."

Although the prevalence of the lower House in money matters is an anomaly which is not peculiar to the French parliamentary system—since the British House of Commons enjoys a similar privilege—many criticisms have been directed against it. Under the system of bicameralism, the upper Chamber has a general power of control over all bills passed in the lower Chamber. The budget is by far the most important of such bills, yet the Senate has virtually no control over it. After all, the Constitution provides only that the Chamber shall have a right of priority for the introduction of money bills. This priority of the Chamber is perfectly consistent with the Senate's power of control, but it does not seem logical that the Chamber should have the last word in the voting of the budget.

## QUESTIONS AND INTERPELLATIONS

By voting or denying appropriations, Parliament has an indirect yet efficient control over the government. The "questions" and "interpellations" are instruments of direct control.

Members of Parliament who want to be accurately informed on any aspect of the administration of the country will put a "question" to the competent minister. Questions may be asked orally, from the floor, unless there is some reason of state which makes it advisable for the minister not to answer. When a minister answers the question asked by a member of Parliament, the latter has the right to reply; but no further debate is permitted.

Questions may also be asked in writing, in which case the answer must be published in the *Journal Officiel* within eight days.

The "interpellation" is a much more energetic means of holding the ministers to account. An interpellation is a formal question framed by a member of Parliament and addressed to a minister. It differs from the ordinary question in that it gives cause for a general debate, in which everyone has a right to participate.

Any member of Parliament who wants to address an interpellation to a minister applies in writing to the president of his Chamber. In his demand he summarizes the substance of his interpellation. The president reads the demand to the Chamber. After one of the ministers has given his opinion, the House decides upon the date when the interpellation will be discussed. The discussion is closed by a vote known as *ordre du jour*, in which the House expresses its confidence in, or distrust of, the Govern-

ment. In case of an *ordre du jour* of distrust the Government is forced to resign.

An interpellation followed by an *ordre du jour* of distrust of the government is the normal procedure through which French cabinets are overthrown. The occurrence is so frequent that many students of government look upon the interpellation as a dangerous institution, which may be largely responsible for the instability of French politics. It is unfortunately true that cabinets have been overthrown after the discussion of an interpellation on a trivial issue in which the general policy of the government was in no way involved. Yet the interpellation remains the logical means through which Parliament can check every act of Government. Furthermore, as has been pointed out in a previous chapter, the instability of French ministries does not preclude a remarkable degree of stability in the administration of the country, and herein lies the best answer to the critics of the interpellation procedure.

It has been a controversial question whether the Senate may cause the downfall of a cabinet by a vote of non-confidence. Section 6 of the Constitutional law of February 25, 1875, provides as follows: "The ministers are responsible *before the Chambers*." Yet, during the Restoration, when the principle of ministerial responsibility was already couched in the same words, the ministers were not accountable to the Chamber of the Peers. It is true that the Senators, in contrast to the Peers, are elected. On the other hand, the Senate has the same legislative power as the Chamber, except in the matter of the money bills. But, unlike the Chamber of Deputies, the Senate cannot be dissolved, and dissolution, according to classical political theory, is the necessary counter-

part to the power of overthrowing the Cabinet. Yet, since the right to dissolve the Chamber of Deputies does not exist in reality, the argument falls short. At the same time, the Government may find it useful to "put the question of confidence" to the Senate when this body is unwilling to pass a Government bill. Clémenceau inaugurated this practice on June 26, 1908, and it has been resorted to repeatedly ever since. On the other hand, if a Cabinet is put in minority before the Senate by an *ordre du jour* closing an interpellation, the Senate may force the Cabinet to resign by simply refusing to vote the budget. It is true that for twenty years after the adoption of the Constitution the practice was maintained that the Senate could not reverse a Ministry. In 1896, however, the upper Chamber overthrew the Cabinet of Léon Bourgeois, which was too radical for its taste. Briand in 1913, Herriot in 1925, Tardieu in 1930, and Laval in 1932 fell in turn victims of the Senate's hostility. More recently it was the Senate's resistance to Doumergue's proposed amendments to the Constitution which caused the latter's resignation in November, 1934.

#### PARLIAMENTARY INVESTIGATIONS

Another aspect of the Parliament's power of control of the executive is to be found in its right to appoint investigating committees—each Chamber appointing its own committees independently—with the purpose of gathering information on material facts. Until 1914, committees were set up to investigate various affairs, such as the Wilson Decorations' Scandal in 1887, the Panama Scandal in 1892, and the Rochette Affair in 1910. But their work was often paralyzed by the unwillingness of the Gov-

ernment to coöperate in putting at Parliament's disposal the judicial machine for gathering evidence. As a result, a law often referred to as the Rochette law, was passed on March 23, 1914, granting parliamentary investigating committees some of the powers appertaining to investigating magistrates.

To give quasi-judicial powers to a committee of politicians is indefensible, for politicians lack the impartiality which is the very basis of justice. Such parliamentary committees as those appointed in 1924 for investigating election expenditures, or the Oustric affair in 1930-31, or the Stavisky scandal in 1933, have proved that the only tangible results of parliamentary investigations is to throw discredit upon Parliament. There is no doubt that the principle of separation between the legislative and the judiciary ought to be respected.

#### DISSOLUTION OF THE CHAMBER OF DEPUTIES

In the preceding pages the numerous checks of the legislative over the executive have been studied. As a counterpart, and to maintain harmonious balance of power between the legislative and the executive, the latter must also have some means of checking the former. The traditional weapon of the executive against the legislative is the right to dissolve Parliament. This weapon was included in all the French Constitutions after 1814, with the single exception of the Constitution of 1848. It was resorted to three times during the Restoration, and six times under Louis Philippe.

Under the Constitution of 1875, the President of the Republic has the right to dissolve the Chamber of Deputies with the assent of the Senate (*avis conforme*). The President may either take the step all

by himself or upon the demand of the Cabinet. New elections must be held within three months. In the meantime, the government is deprived of some of its prerogatives, such as the right to declare martial law.

The only instance of dissolution to be found in the history of the Third Republic was when Marshal MacMahon dissolved the Chamber, in the hope that the new elections would be more conservative. The Senate assented, but with a bare majority of 149 votes against 130, twelve votes not having been cast. The 363 deputies of the opposition were re-elected against the conservatives. MacMahon did not resign until two years later, in 1879.

MacMahon undoubtedly acted within the Constitution. Yet his decision to dissolve the Chamber is always referred to by orthodox republicans as an attempted coup d'état, with the result that no other president ever dared to exercise his right of dissolution. Although a monarchist at heart, MacMahon was loyal to the Republic to which he had sworn allegiance. His one hope was that the new elections would be a victory for the conservative republicans. But there was a lack of good candidates who were both conservative and republican. Thus the majority of conservative candidates had to be selected from the monarchists, with the result that the loyal republicans had some ground for accusing MacMahon of attempting a monarchic coup d'état. One has only to recall the difficulties under which the newly born republic had to strive to understand this coup d'état complex, which makes all true republicans confuse dissolution and coup d'état. It will be seen later how this complex is still surviving in the majority of parliamentarians, and has led to

M. Doumergue's failure to have the Constitution amended in such a way that the president could dissolve the Chamber without asking the Senate for its assent.

## PARLIAMENTARY PERSONNEL

According to Montesquieu, "the people is admirable in the selection of its magistrates." France is not the only democratic country in which this principle has been largely disproved by the facts. Corrupt politics are an easy target for the enemies of democracy. France has had many financial scandals which have thrown suspicion on a number of politicians, and, sometimes, even led to their conviction. The Panama and the Stavisky scandals were notorious, but other democracies have their share of political corruption. If one believes with the same Montesquieu that the slogan of a monarchy ought to be "honor," the slogan of a dictatorship "terror," and the slogan of a Republic "uprightness," the political corruption of modern democracies seems all the more unfortunate.

French monarchists, as well as some conservative republicans, claim that as long as the electorate consisted of a few hundreds of thousands of propertied people, and the deputies did not get any salary, the Parliamentary system worked well in France. It is perfectly true that rich people have little motive for petty dishonesty. But this is the same kind of argument which is used by extreme royalists to prove the soundness of autocracy when they say that a king's desire to transmit to his heir an unimpaired estate is the best safeguard against the maladministration of the country. The political honesty of the parliamentary monarchy which governed France



from 1815 to 1848 does not offset the economic exploitation of the mass protected by a Parliament of "honest" bourgeois. Universal suffrage under the Third Republic has often led to political corruption, but such abuses of a Tammany Hall variety are far less harmful to the mass than the dictatorship of a plutocratic Parliament.

At the same time, corruption in French politics should not be exaggerated. In the fifty years preceding the war, the politicians of the French Republic had only two main fields for plunder—Panama, and the billion francs squeezed out of the liquidation of the religious congregations. The Wilson, Rochette, and Thérèse Humbert affairs brought them small profits. But, during the war, the politicians were besieged by profiteers seeking government contracts, and no one knows how many yielded to the temptation of taking bribes. After the war, with the inflation, the sale of American war stocks, and the awarding of contracts for the reconstruction of the devastated areas, opportunities for graft multiplied. The speculative boom prior to the depression made it easy for cunning financiers like Oustric, Madame Hanau, Stavisky, and Levy to rob poor people of their savings; at the cost of substantial bribes, they obtained from politicians, civil servants, and police officials who had sworn to shut their eyes, the necessary authorizations to cheat the public. On the other hand, the ever more numerous tasks assumed by the State in the economic and financial fields, such as social insurance, municipal credit organizations, etc., afforded profitable fields for the rapacity of politicians.

The recent Stavisky scandal, in particular, roused the indignation of the French masses, be-

cause it revealed extraordinary corruption in the government machine. Still the truth of the matter is that very few members of Parliament were actually involved in the swindle. In fact, the Panama affair disclosed far more corruption in Parliament than we have any reason to believe exists to-day. As was previously mentioned, the Stavisky scandal seems to have involved *fonctionnaires* rather than politicians, a very unexpected development. Yet Parliament was made the scapegoat, and barely escaped being mobbed on the sixth of February, 1934. In the summer of 1934 automobiles were still to be seen in Paris carrying on their windshields the inscription, "*Je ne suis pas député.*"

Such incidents reflect the undeniable discontent of a growing number of Frenchmen with respect to Parliament. The reproach of dishonesty and corruption strikes the imagination of the public, and it is the usual weapon of all the enemies of the régime. To those who read the royalist *Action Française* or the communist *Humanité*, every single deputy is a swindler and senators are hardly better. In reality, the great majority of deputies and senators possess this uprightness which Montesquieu demands of a democracy, and many of them have genuine ability.

Although dishonesty and corruption are not common among politicians, the public's discontent with Parliament is not entirely unfounded, although the public fails to realize that it is itself responsible for the defects which it so loudly attacks.

It is no paradox to say that ~~the trouble with Parliament is that it is elected by universal suffrage.~~ An attempt has been made in the preceding chapter to show that Parliament is a valuable ba-

rometer of public opinion, but that its law-making ability is questionable. This results from the fact that when the electorate votes for candidate So-and-So, it is not because of his competence in administrative and legislative matters, but because he knows how to appeal to the masses, and may offer material advantages to the electors. Yet this reasoning is carried too far when these enemies of democracy claim that democracy is a mere utopia because the people are simply incapable of governing themselves. Democracy cannot work, it is true, when the people lack political maturity. This was the case in France after 1848, and in Germany today. In both instances the people had succeeded in seizing the power, but they elected their representatives to Parliament in such a way that democracy soon gave way to a dictatorship. The fact that the Third Republic has lived sixty-four years should conversely prove that the French people are not politically immature, since the members of French Parliament, taken as a group, have governed France in a way so satisfactory to the masses that the political system has lasted much longer than any dictatorship.

The members of French Parliament are not always models of legislative and administrative competence. But the groundwork is done by an élite of able deputies and senators, who accomplish the painstaking task of drafting bills in the obscurity of committee rooms, and with the data and advice provided by expert *fonctionnaires*. The public hears of tumultuous parliamentary debates, of eloquent speeches delivered by a few parliamentary prima-donnas, but how many have heard of Etienne Antonelli, who was a professor of economics at the

University of Lyons and who, as a deputy from Haute-Savoie, drafted the Social Insurance Law? Laws, once voted, may not be perfect in every detail, but they make no claim to being so, since they usually contain a section providing that a decree will organize their enforcement, a decree which is carefully prepared by the bureaux, sometimes with the help of the *Conseil d'Etat*.

It is undeniable that French Parliament relies on the expert advice of the *fonctionnaires* for performing legislative functions; that it practically leaves the enforcement of these laws and the general administration of the country to the Civil Service is unquestioned. It does not follow that Parliament is useless and that democracy is an empty façade. It is the very essence of democracy to have incompetence stimulate and check competence. The *fonctionnaires* are competent; but without the influence of an incompetent Parliament which is itself the emanation of an even more incompetent public, these *fonctionnaires* would either be paralyzed by their routine work or would tyrannize the people. The laws passed by Parliament are imperfect, but they determine the course which the *fonctionnaires* are to follow; were the latter given no direction they would probably remain passive. For its other tasks Parliament does not need any special competence. When a *fonctionnaire* oversteps his rights, an interpellation in Parliament will cause the minister in charge to make an inquiry, put a stop to the abuses, and if the case is serious, or if the minister does not straighten out matters, the Cabinet falls victim to the democratic wrath.

The mechanism seems satisfactory enough. Yet in practice it has caused many misgivings. But the

fault is not so much with Parliament as with the people themselves. A democratic system of government requires that the people be politically mature; unfortunately, the political education of the French public has been greatly neglected in the past sixty-four years. Otherwise there would be more improvement in the way France is being governed.

On the other hand it is not true that the republican Parliament of France, elected by universal suffrage, has lower intellectual standards than the monarchic Parliaments of the nineteenth century, elected by the propertied class. The deputies and senators of the Third Republic are not inferior, in respect to oratorical powers, to their predecessors of the Restoration, the July Monarchy and the Second Empire. Their eloquence is less pompous, speeches are less carefully prepared, their composition does not follow so closely the traditional rules of rhetoric, but they are more substantial, more to the point. The change which has taken place in parliamentary eloquence is well illustrated by the remark made once by a parliamentarian of the old school, Jules Favre, who upon hearing Jules Simon speak of "regiments" in a speech to the Chamber, said to Camille Pelletan, "Why does he not say phalanx?" Gambetta, Albert de Mun, Jaurès, Viviani, Clémenceau, Briand are in no way inferior to Benjamin Constant, Serre, Martignac, Guizot, Royer-Collard. The parliamentary debates on the disestablishment of the Church, or the associations, honor the French Parliament.

Yet the social strata from which Parliament recruits its members have distinctly changed. Men from the high bourgeoisie were the majority in the

Parliaments before 1870. They were still numerous until 1890, but they are progressively replaced by men from the *petite bourgeoisie*, even bordering the proletariat. Universal suffrage alone is not responsible for this change, but rather the substantial salaries paid to deputies and senators, which make Parliament a desirable career for petty *fonctionnaires*, college teachers, lawyers without clients, and doctors without patients.<sup>9</sup>

The legal profession is the great source from which French Parliament is recruited. Lawyers are trained for public speaking, and this tends to offset their mediocrity in other respects when they compete with a better man, but who has no facility of expression. There has been general criticism of this control of Parliament by lawyers, but it is not certain that a great industrialist or banker would make a better deputy than a mediocre lawyer. Every newly elected deputy, be he a lawyer, a doctor, a professor, a business man, a peasant, or a laborer, is an amateur in the art of government. After years of labor on the committees and later as ministers, parliamentarians may become first-class statesmen, but this result is achieved more or less independently of their professional training. Poincaré was a lawyer, Herriot was professor of literature, Daladier, of history, Clémenceau a doctor and later a journalist. But lawyers have been trained to study all kinds of problems, even of the most technical nature. With this training they are better prepared than members of other professions to grasp

<sup>9</sup>Deputies and senators were given a salary of 9,000 francs a year in 1849. This salary was raised to 15,000 francs in 1906, then to 27,000 francs in 1920, to 45,000 francs in 1926 and to 60,000 francs in 1928. Postwar increases hardly compensate for the rise in the price level.

the innumerable questions upon which a member of Parliament has to vote.

What parliamentarians mostly need is enough intelligence, common sense, and a background of general culture to study and pass judgment on any kind of problem, whether economic, financial, or diplomatic. Such qualities are the common rule in French Parliament, and genuine ability is not unusual.

Unfortunately, these qualities are often wasted because members of Parliament are preoccupied exclusively with their reelection. Too many electors are inclined to regard their deputy as being under personal obligation to them. They write him at the slightest provocation to ask for redress or favors. If the applicant is an influential citizen, the deputy must take steps to conciliate him. If the applicant is insignificant, the deputy must at least write him a tactful letter. As Jouvenel puts it, "Parliamentarians do not rule, neither do they govern, they only write."<sup>10</sup>

Here again, the fault is with the people. French Parliament is neither better nor worse than other parliaments. The French people should not be so impressed by its defects and misgivings that they condemn democracy. The French people should realize that they are responsible for electing mediocre men to Parliament, and for preventing the better parliamentarians from doing constructive work by using them as their errand boys. Before criticizing so freely their parliamentary system, the French people should meditate on section 376 of the Constitution of the Year III of the First Republic. "The people must always remember that a wise se-

<sup>10</sup> R. de Jouvenel, *La république des camarades*, p. 24.

lection of their representatives is the main prerequisite for a lasting and prosperous Republican régime."

## CHAPTER IV

### THE JUDICIAL SYSTEM

THE Constitution of 1875 makes no reference whatever to the judicial organization of the country. This is undoubtedly because the French judiciary has never been regarded as a separate branch of the Government, distinct from the legislative and executive power. The American judiciary, on the contrary, can decide upon the constitutionality of a law, and in this way has the right to check the legislative. French courts are mere administrative agencies, just as French judges are members of the civil service.

This peculiar position of the French judiciary should not be interpreted as an indication of low standards in the administration of justice. The fact that French courts cannot pass judgment upon the constitutionality of the laws voted by Parliament only proves that the separation between the legislative and the judiciary is more complete in France than in the United States. As to justice itself, its standards depend upon the competence and the impartiality of the judges.

After a brief and unsuccessful attempt during the French Revolution to have all judges elected, Bonaparte laid down in the Constitution of 1799 the principle that the Government should appoint them. This is not as inconsistent with the principle



of the separation of the executive and the judiciary as it may seem, because, once appointed, a judge cannot be removed, and appointments as well as promotions in the judiciary are strictly regulated. This principle of the irremovability of French judges was embodied in all the French constitutions of the nineteenth century prior to the Constitution of 1875, which does not mention it. An ordinary law passed on August 30, 1883, fills this gap.

The only members of the French judiciary who are not irremovable are the justices of the peace and the public prosecutors. The latter exception has much importance in the realm of criminal law in so far as all indictments are initiated by a public prosecutor. The Government can, therefore, stop any prosecution and thus prevent the enforcement of any criminal bill.

For a long time, the Government had a free hand in appointing the judges. But the movement which has progressively eliminated favoritism from other branches of the civil service has affected the recruiting of judges also. The great majority of judges and public prosecutors are now appointed on the basis of their ability to pass a rigid examination which, although it is not strictly speaking a *concours*, amounts practically to the same thing. After their graduation from a law school, the candidates to what is broadly known as the *magistrature* have a two-year apprenticeship in a solicitor's office, and a two-year apprenticeship at the bar. They then take the examination for admission to the *magistrature* and, if they succeed, they are appointed subordinate judges in a court of the first instance, provided they have reached the age of twenty-five.

The candidates who pass the most brilliant examination are appointed assistant prosecuting attorneys, a position for which there is no age requirement. This system is very different from the Anglo-American practice that an appointment to the bench is the crowning stage of a lawyer's career. Both systems have their own merits. The *magistrature* has become a career largely because of the great number of magistrates required by the French system of having several judges on each bench except in the lowest courts. The élite of all these magistrates gradually rise to the highest courts, in which great legal minds are not more infrequent than in the United States or in Great Britain.

Once on the bench a judge is irremovable, but the Government alone can promote him to a higher rank or appoint him to a higher court. If a judge is satisfied with his position, his independence of the Government is complete. But there is danger that an ambitious judge may yield to government pressure, in order to secure advancement.<sup>1</sup> To restrict such a possibility, the decree of August 18, 1906, superseded by the decree of July 21, 1927, created the *tableau d'avancement*. This is a list of judges who are deemed fitted for advancement by a committee consisting of the Chief Justice and of the general prosecutor of the *Cour de Cassation*, of four judges from this court and of high officials from the Ministry of Justice. This committee studies the proposals for advancement made by the various chief justices and general prosecutors of all the Courts of Appeal. But although the Government cannot promote any magistrate who is not on the list, it may promote or omit anyone from the list

<sup>1</sup> This is the theme of Brioux's famous play, *La robe rouge*.

arbitrarily. French judges have, indeed—though infrequently—proved susceptible to Government pressure or, what is worse, to pressure brought upon them by a lawyer arguing a case before them, if he happened to be an influential member of Parliament—even perhaps a past or future Minister of Justice.

This danger is all the more serious because of the democratization of the *magistrature*. Until the war, French magistrates were almost exclusively recruited from the wealthy bourgeoisie. This was the result both of the prestige attached to this career and of the extremely low salaries paid to magistrates. As the salaries were substantially increased after the war, many young men without means entered the *magistrature*. Unfortunately, even the increase in salaries does not mean financial independence, which is a guarantee of indifference to government pressure.

Yet the immense majority of French judges have a high conception of the quasi sanctity of their functions, and even comparative poverty has not affected the traditional standards of honesty and impartiality of the French *magistrature* except in very rare instances.

#### THE TRIAL JURY

The British institution of the trial jury was introduced into France during the French Revolution. Napoleon adhered to it, but with reluctance. His code of criminal procedure, drafted in 1808, provided that a jury of twelve citizens should decide upon the guilt of people indicted for all offenses technically called *crimes*, as against the less serious offenses or *délits* (misdemeanors) which come under

the jurisdiction of the *tribunal correctionnel*. The jury system is obviously ill-suited to the French temperament. The verdicts of French juries are too often biased by local prejudices or by political passions. And the French susceptibility to oratory makes juries too responsive to the impassioned eloquence of a few gifted criminal lawyers. French juries are usually too harsh when the crime under trial has resulted in damage to property, and they are often too lenient in the case of murder, especially if the murder has been motivated by passion. As a result, there is a movement afoot in French criminal law to remove such offenses as French juries seem unqualified to try impartially from their jurisdiction. For example, abortion was tried with extreme severity in certain *départements*, while in others it automatically brought a verdict of acquittal. Parliament therefore decided that abortion should henceforth be a misdemeanor instead of a *crime*. This gives jurisdiction over cases of abortion to the professional judges of the *tribunal correctionnel*, who may be relied upon to judge this offense impartially.

#### JUDICIAL ORGANIZATION

From what has just been said of the jury, it is readily seen that the regular courts administer the whole of the civil and criminal law, with the exception of the most serious criminal cases.

As in England, the lowest of these courts are the local courts presided over by justices of the peace (*juges de paix*). Their sessions are held in the chief town of the 2863 *cantons*. The task of a justice of the peace is not so much to pass judgment over lawsuits as to avoid them. It is the duty of the justice of the peace to do his utmost to effect a conciliation

before proceedings reach the point of a formal hearing. In rural districts, justices of the peace thus succeed in settling amicably about forty per cent of the proceedings. In the cities, on the other hand, the attempt at conciliation has become a mere formality.

Justices of the peace also judge petty lawsuits involving trifling amounts of money, such as disputes between landlords and tenants, between masters and servants, and a few specific cases, as, for example, boundary disputes. They also act as criminal judges in case of petty offenses.

Being close to the people, and invested with great power in their *canton*, justices of the peace are important political agents, with the unfortunate result that they are often too actively engaged in politics to be impartial judges.

Next in the judicial hierarchy come the "tribunals of the first instance." Until 1926 there was one of these in every *arrondissement*. The system according to which three judges were on the bench of such tribunals meant that in the smallest *arrondissements* several magistrates often had fewer than forty cases to try in one year. With the greater facility in communication, there was no longer any excuse for retaining as many courts as had existed under Napoleon. In 1926 Poincaré, for reasons of economy, decided to suppress a great many such courts. But after 1928, when France became prosperous again, they were progressively reestablished so as to foster the local pride of small towns—and in this we see one of the worst examples of demagoguery.

These courts of the first instance have jurisdiction over all civil cases, no matter how large the amount involved. They also try misdemeanors. When such

a court tries civil cases it sits as *tribunal civil*. When it tries a misdemeanor it sits as *tribunal correctionnel*. The most important tribunals of the first instance are divided into sections or chambers, some of which try civil cases while others try criminal cases, and under this system the judges are subject to a process of rotation.

The decision of the tribunals of the first instance may be appealed before the Courts of Appeal. In their desire to prevent the resurrection of the *parlements*, the revolutionary legislators decided that all tribunals should be equal, and that appeal should be made from one tribunal to another of the same order. Napoleon created special tribunals of appeal, which soon came to be known as courts of appeal. There are today twenty-six courts of appeal.<sup>2</sup> As previously explained<sup>3</sup> their jurisdiction extends over a judicial province or *ressort*, each of which contains from one to seven *départements*. Each court is divided into sections or chambers. Each section has five judges or councilors, one of whom serves as presiding magistrate. There are at least three sections, a civil section, a criminal section, and an indictment section (*Chambre des Mises en Accusation*), which performs the function of a grand jury.

The judgment of the Court of Appeal is final with respect to the facts involved in the case under trial. But when the Court of Appeal's interpretation of the law applicable to these facts is disputed, the case may be appealed to the Supreme Court of France, known as the *Cour de Cassation*. In other words, when a case is tried by the *Cour de Cassa-*

<sup>2</sup> Including the one in Corsica. There are also several Courts of Appeal in the colonies.

<sup>3</sup> See *supra*, p. 348.

tion, the facts in the case may no longer be questioned, and the rôle of the court is limited to the proper interpretation of the law which applies to these facts. Thus a uniform interpretation of French law throughout the country is assured.

The *Cour de Cassation* has forty-nine judges or councilors. It is divided into three sections or chambers: the civil section, a section of the "requests" (*Chambre des Requêtes*) and a criminal section, to which are attached sixteen judges including the presiding judge of the section. There is, furthermore, a chief judge, or *Premier Président*, who presides over any section he pleases—hence this section has seventeen judges. The chief judge usually presides over the civil section. For a decision to be valid, there must be a minimum of eleven judges on the bench of each section.

Except in criminal cases, appeals to the *Cour de Cassation* are first tried by the *Chambre des Requêtes*. If the appeal is denied, the judgment of the Court of Appeal becomes final, and the case is closed. If the appeal is granted, the matter of the law in question will constitute the object of a second trial before the civil chamber. If the decision of the *Chambre des Requêtes* is reversed, the judgment of the Court of Appeal becomes final, and the case is closed. But if the decision of the *Chambre des Requêtes* is confirmed, the case will be re-tried in a different Court of Appeal. Should the judgment of the *Cour de Cassation* be confirmed by the second Court of Appeal, the case is closed. But if the second Court of Appeal refuses to concur, the case goes back to the *Cour de Cassation*, and the latter then holds a so-called solemn hearing, at which the three sections sit together, with a minimum of

thirty-three judges. If the decision rendered at this solemn hearing confirms the decision of the civil chamber, the case will be sent to a third Court of Appeal, which is under obligation to ratify the *Cour de Cassation's* final decision. Such a procedure—though long drawn-out—is a guarantee of justice.

Serious criminal cases, over which a jury has jurisdiction, are tried before special courts—the Courts of Assize, which do not form a separate rung in this ladder of regular courts. A special session, or assize, is held every three months in one of the chief towns of the *département*, for the trial of *crimes* committed in that *département*. A councilor from the Court of Appeal of the district acts as presiding judge. He is assisted by two judges from the local tribunal of first instance. The rôle of the jury is merely to give a verdict, and, in case of guilt, to decide whether there are extenuating or aggravating circumstances. The penalty is decided upon by the Court, which in this respect enjoys some liberty of appraisal. Let us say, for instance, that the jury gives a verdict of guilty of first-degree murder, with no extenuating circumstances. The penalty set forth in the code is death. But the court has the option of sentencing the criminal to hard labor for life, which, next to the death sentence, is the severest penalty in the French scale. If there are extenuating circumstances, the court cannot pronounce a death sentence. In such a case, the severest penalty is hard labor for life, but the court has the option of sentencing the criminal to not more and not less than twenty years' hard labor. Juries sometimes prefer to give a verdict of acquittal rather than to see a man who cannot be regarded as a hardened crim-



inal become the victim of this system, which, at best, is still unduly severe.<sup>4</sup>

#### SPECIAL COURTS

There are in France courts composed of non-professional judges. Special commercial tribunals (*Tribunaux de Commerce*) numbering about two hundred, have been created in the largest business centers of France, to judge disputes arising out of commercial transactions. The judges of these courts, known as "consular judges," are merchants elected for two years by all the merchants of the district. Appeals from the decisions of the commercial tribunals go to the Court of Appeal. In the districts in which there are no such special tribunals, the

<sup>4</sup>In spite of the humanitarian influence of eighteenth-century philosophy, the French penal system is undeniably severe, because it is still imbued with the principle that punishment should serve as an example and a deterrent to potential criminals. This explains the provision of the French law, that a criminal who has been sentenced to capital punishment must be guillotined in public, although it is now the practice to set up the scaffold just outside the prison walls and to have the execution take place at dawn, so that few spectators will be attracted. Criminals sentenced to hard labor are sent to the penal colony at Guiana, which certainly is no earthly paradise. The penal colony is on the mainland, and must not be confused, as it generally is by Americans, with Devil's Island, which is off the coast of Guiana, and is intended solely for the detention of political prisoners. The efficiency of the so-called judicial police intrusted with the task of detecting criminals is a paramount factor in the excellent working of the French penal system. In this domain, the French Republic had only to follow the traditions and methods of the well-organized police system of the two Napoleons, with its array of *agents provocateurs*, *indicateurs* and secret agents. The French police was also the first to make use of fingerprints for the detection of criminals, a method which was inaugurated by the French criminologist, Bertillon. A valuable filing system, by which records are kept of all doubtful characters, well-equipped police laboratories, and the great administrative centralization of the country have all contributed to the detection of criminals in so large a percentage of cases that, were it not for the presence in the country of many foreign desperadoes, the rate of criminality in France would be extremely low.

Court of the First Instance judges commercial matters.

There are also courts on industrial arbitration (*Conseils de Prud'hommes*) made up equally of employees and employers, with a justice of the peace presiding. Their rôle is to try to settle labor disputes, especially those concerning wages, and compensation for unjustified dismissal. When the amount involved is sufficiently large, appeal may be made to the civil tribunal.

#### ADMINISTRATIVE COURTS

An original aspect of the judicial organization of France is to be found in the existence of separate courts, known as administrative tribunals, which have jurisdiction over disputes arising between the state and private citizens.

Even granted the ancient legal maxim that the king can do no wrong, it is nevertheless obvious that the king or the state must perforce exercise power through public officials who, being human, will, at times, from error, negligence, or malice aforethought do injury to citizens or their property. Such citizens must be granted the right to ask for redress. But whereas in Great Britain and in the United States the suit is brought before the regular courts, in France, as in most countries of continental Europe, special courts have been created to try such disputes, with judges appointed by the State, who, not being removable, are obviously under its control.

This system, which Anglo-Saxon jurists are inclined to regard as unsuited to the protection of individual interests against administrative action is, to some extent, the result of the Roman-law tradition which permeates France, and which places the

interest of the State above that of the individual. The individualistic philosophy underlying the French Revolution did not offset this tradition, because the Revolution could not have accomplished its purpose without making attacks upon both persons and property, and the principle of separation between the executive and the judiciary was invoked to prove that the regular courts should have no jurisdiction over administrative matters.

Although Napoleon readily accepted this concept, he soon discerned the injustice inherent in the possibility that the same officials who had performed a questionable administrative act would be called upon to judge complaints against this act. To obviate this situation, Napoleon made a subtle distinction between the so-called active administration, deliberative administration, and consultative administration. The active administration comprises such officials as the mayor or the *préfet*, who insure the daily functioning of the administrative agencies. The deliberative administration comprises such assemblies as the municipal and general councils, the province of which is to make decisions, but not to execute them. The consultative administration comprises such bodies as the *Conseil d'Etat* and the *Conseils de Préfecture*, which confine themselves to giving advice. On the basis of this distinction, Napoleon decided to remove from the jurisdiction of the active and deliberative administrations the function of judging disputes between the administration and the people and consign it exclusively to the consultative administration. During the nineteenth century, especially under the Third Republic, the separation between the administrative courts and the active administration gradually became

more distinct. A law of 1872 made this separation complete within the Council of State, where there are councilors whose specialty is the settlement of administrative disputes. The decree of September 6, 1926, furthered this separation between the administrative courts and the active administration by eliminating the *Conseils de Préfectures* and by organizing in their place twenty-two *Conseils de préfecture interdépartementaux*, almost exclusively devoted to judicial activities.

These *conseils de préfecture interdépartementaux* are the administrative tribunals of first instance. They try suits brought by individuals against subordinate officials. They settle disputes over tax assessments, highways, etc.

Appeals are made to the judicial section of the *Conseil d'Etat*.

The Council of State has progressively built up an administrative case law, which in many instances has proved more adaptable to new conditions and more liberal than the codified civil law enforced by the regular courts. More remarkable still is the fact that such an administrative tribunal affords French citizens better protection against the abuses of administrative agencies than is afforded to American citizens by Common Law Courts. Even though the judges on the French administrative tribunals are, or have been, closely connected with the administration, even though they are not irremovable and their promotions are not as strictly controlled as is the case with judges in the regular courts, they do, nevertheless, try disputes between the State and individuals with such impartiality that French citizens frequently obtain redress in a situation against which American citizens would be completely un-

protected. In the United States, for instance, a policeman may be sued in the regular courts by an individual whom he has maltreated or injured. Not only are American courts reluctant to condemn a policeman, but the city is never held liable for damages. But in such a case a French citizen is fully protected. This demonstrates the fact that, in the last analysis, the individual is better protected in France under a system of law imbued with the Roman tradition that the State is supreme, than he is in America where the legal system emphasizes individual rights. This apparent paradox is all the more remarkable if one recalls that French officials are inclined to assume an autocratic attitude toward the public—although it may well be this very attitude on the part of the administration that has necessitated efficient defenses for the protection of the individual.

In case of trial for a criminal offense, the citizen is perhaps not as well protected in France as in America. Nevertheless, it is not true, as so many Americans believe, that in France a man is deemed guilty until he proves himself innocent. The burden of the proof is on the prosecutor in France as in America. There is this difference, however, that nobody can be tried before a jury unless he has been deemed guilty by three different magistrates or judicial bodies: first, the public prosecutor; second, the examining magistrate; and third, the indictment section of the Court of Appeal. A person undergoing trial before the Court of Assize is, therefore, under a strong presumption of guilt, and this may at times influence the presiding judge and even the jury. Another difference lies in the fact that a

mere majority vote of the jury is enough for a verdict of guilt. French criminal procedure is undeniably severe, but the result is that criminality in France does not reach the proportions it does in many other countries.

The excellent work accomplished by the French administrative courts is illustrative of the high standards of French justice. Civil judges, limited though they are in their decisions by a system of codified laws, have been remarkably successful in harmonizing these laws with the requirements of modern society. A law system formed by judges is thus being built up in civil, commercial, and criminal matters, and precedents are being relied upon almost as much as in Anglo-Saxon countries.<sup>5</sup> The ability and impartiality of French judges are commensurate, in the higher courts at least, with the qualities of the *Conseillers d'Etat*.

The recent Stavisky scandal has unfortunately cast suspicion on some of the higher magistrates in the capital. It seems highly improbable that a swindler of such magnitude could carry on his dishonest operations for so long, were French justice not at fault. Yet the fact that some high magistrates, for whom political influence has secured rapid advancement, have been guilty at the very least of negligence in the performance of their duties, does not reflect on the whole body of the French magistrature. However, Prime Minister Flandin announced late in December, 1934, that he meant to introduce reforms into the administration of justice, particularly with regard to the rules for the advancement of magistrates.

<sup>5</sup> See Francis Deák. *Place of the "Case" in the Common Law and the Civil Law. Tulane Law Review* 8. 337-357.

## CHAPTER V

## BEHIND THE STAGE OF FRENCH POLITICS

THE governmental machine of France, as described in the foregoing chapters is, with some reason, a disappointment to those familiar with the logical workings of the French mind. The functioning of its complicated agencies seems to the superficial observer completely devoid of efficiency, stability, and continuity. The foreign public is particularly impressed by the shabbiness of public offices, the temperamental gestures of traffic policemen, the popular outbursts against widely divulged financial scandals, the undisciplined sessions of a turbulent Parliament, and the frequent downfalls of French Cabinets. In France itself, the accusation of anarchy is levelled every day against the administration by the opposition papers. A similar accusation was directed by the barbarous Romans against the highly civilized Greeks. Before the war this similarity between the republican organization of France and the disorganization of ancient Greece led some German writers to speak of the decadent race of France, and of its inability to govern itself. The war did much to dispel this legend of a decaying France. When a British staff officer, who was attached to the French Fifth army during the Battle of the Marne, first came into contact with the French troops, he was unfavorably impressed with their shabby uniforms and disorderly appearance. He had to revise his judgment when he saw these same troops turn about from a two

weeks' retreat and crush the Germans.<sup>1</sup> For appearances count for little in France where outworn and illogical institutions are made to work smoothly, owing to the remarkable ability the French have for making the best of any situation.

This quality, colloquially known as *débrouillage* (muddling through) proved so useful in the last war that it has ever since been referred to in French slang as *Système D*, from the first letter of *débrouillage*.<sup>2</sup> For it is not so much an inborn trait as a system which the French have had to develop to solve all the difficulties of their life. Life may seem easy in France to-day, but for many centuries the French have had a hard time. Few nations have been more tyrannized by their rulers, and no other European country has been more frequently crushed by numerous foreign invaders.

<sup>1</sup> Brigadier-General E. L. Spears, *Liaison: 1914*, London, 1930, p. 88. "On my way north," he writes, "I visited some French units and saw many more on the march. The aspect of French infantry straggling forward anyhow had profoundly shocked me when I first saw the long columns sprawling all over the road, no two men in step, the 'capotes' unbuttoned, looking much more like a mob than like disciplined men, but it quickly became apparent that although this infantry was not smart to look at, it got there all the same, and that the lack of polish was due more to badly fitting uniforms than to anything else. The French soldiers, we were soon to learn, had lost nothing of the wonderful marching powers which had proved so disturbing to us in the days of the Peninsular War. As one became better acquainted with these men, it was impossible not to be impressed by their fire, their determination, their enthusiasm and their endurance."

<sup>2</sup> General Spears comments as follows on the fact that the lack of organization of the French supply transport in the rear of the army did not lead to disaster. "This fortunate result was due less to organization than to the amazing way the French have at times of 'getting there' in spite of what would appear to be hopeless confusion. It is the resourcefulness and wit displayed by each individual in solving his own problem that does it. '*Le Système D*,' '*Débrouille-toi*,' 'Muddle through,' they called it, and very effective it was. Applied by the men on many occasions during the war, it often retrieved mistakes of higher authorities. It is, however, not a method to be recommended for exporta-



Whether under the thumb of Bourbon or Bonaparte tyrants, or under the iron heel of English soldiers, the French have had to learn to make the best of it, and they have succeeded remarkably well. Although political and economic conditions have greatly improved in the past century, the French have retained the belief that hardship is the best training for a happy life. French children are educated with such severity both at home and in school, and the required military training is so rigid, that when a grown-up Frenchman comes to talk to an American about life, it is like talking about death to a child.<sup>3</sup>

The Third Republic itself had a hard time during its youth. It inherited defects which seemed for a while to impair its very life. But in the good old French way it has made the best of it. The French democratic system of government was permeated to the core by monarchic institutions. The Constitution of 1875 was drafted in such a way that neither the executive nor the legislative really governed France, but those civil servants who had inherited the autocratic tradition of the *Ancien Régime*. Yet the humble people of France have made the best of this strange situation. They are better protected against the abuses of the executive than even the Anglo-Saxon people. Through its delegates, the ministers, Parliament controls the activities of the public servants. For instance, during the war, at a time when Parliament had all but abdicated its powers in favor of army generals, soldiers at the front would never have obtained a

tion; its use should be confined to France and its application to Frenchmen." *Ibid.*, pp. 66-67.

<sup>3</sup> Cf. Rudyard Kipling, *Souvenirs of France*, London, 1933, pp. 21-22.

leave to visit their families, if Parliament had not intervened on their behalf. Army generals were adamant, but the complaints of hundreds of thousands of soldiers and their families roused Parliament, which forced this measure on the highest military authorities. The administrative tribunals are another instance of this illogical government system, in which judges themselves, selected from among civil servants, grant redress to individuals against the injurious activities of other civil servants.

Only an analysis of French political psychology can explain the comparatively smooth working of the French government organization, considering how illogical this organization is. As a German puts it, "France is prosperous under a régime of disorder and slackness which would be intolerable to us Germans; and yet this régime seems as natural to the French as the rigor of a scientific and bureaucratic discipline does to us. Racial characteristics of temperament and of the rhythm of life account for these differences in viewpoint."<sup>4</sup>

#### FRENCH POLITICAL PSYCHOLOGY

France is a highly diversified country, both geographically and racially.

In a territory smaller than the state of Texas, France presents as much diversity in climate and geologic formations as the whole of the United States. The contrast is as great between the foggy Channel coast and the sunny Riviera as between Cape Cod and Florida. France has a highly diversified soil, which produces a wide variety of crops. Mild climate and abundant rainfall have from the remotest times made agriculture a profitable en-

<sup>4</sup> Curtius, E. R., *Essai sur la France*, Paris, 1932, p. 16.

deavor in France, where the land is mostly vast fertile plains and rich valleys, although there are some lofty mountains. It is in the beautiful valleys of the Saône and the Dordogne that some of the earliest vestiges of human life have been discovered.

Both the geographical location and the fertile soil of France have from the dawn of history attracted foreign invaders—all of whom have left their stamp on the French race. In this connection, it is pertinent to recall that the very name of the country, France, is German, and comes from the tribe of the Franks, which conquered and gave its name to the northern part of Roman Gaul. The Gauls themselves were Celtic invaders, who intermarried with the original Ligurian and Alpine stock. Then the Roman conquerors changed the ethnic character of the South, whereas later the Germanic invaders modified the race in the north-east, and down the rich valleys southwards, not to mention the Normans, the Huns, the Moors, etc. There has been relatively little racial exchange between the various provinces, which explains why there is far more racial contrast to-day between a Breton and a Provençal than between the same Breton and a Welshman, or again between the Provençal and his Italian neighbors.

Yet France was the first European nation to achieve political unity, and nowhere else would it be possible to find more national and psychological homogeneity. Although a Frenchman still usually refers to himself as a Bourguignon or a Tourangeau, and seldom uses the name of a *département* to designate his geographical origin, yet he is French before he is Bourguignon or Tourangeau. And it should be so, for France is more than a national entity, it is

a mode of life. A uniform system of education and the leveling effect of the compulsory military service have indeed been factors in this process of building a French nation. But those were nineteenth-century developments, which merely accentuated the uniformity in French psychology already apparent in the time of Montaigne.

This ideal of life common to all Frenchmen may be summed up in a brief formula: man is above all a reasonable being. Cartesian philosophy remains the basis of French intellectual training, and no Frenchman could have written the *Critique of Pure Reason*. For generations the criterion of reasonableness was applied to all aspects of life, with the result that in spite of the undeniable French individualism, almost all the activities of life follow the same pattern throughout France. The French, for instance, have developed what is probably the finest cuisine in the world, and everywhere in France the courses of a meal follow the same regular sequence, and the same grades of wines are everywhere served with the same dishes. No one in France would ever think of serving red wine with fish, or sweets before the salad. It must not be thought that in this the French are simply yielding to the tyranny of a convention. This would scarcely be consistent with French individualism; but Frenchmen have found by experience that these rules alone can make of a meal the highly civilized thing that it ought to be, and, at least in the culinary domain, even the Anglo-Saxon and the Germanic races seem to acknowledge that France and civilization are synonymous terms.

But to the average Frenchman, it is not only in the field of cookery that France and civilization

are two words for the same thing. Since the French mode of life is determined by pure reason, this principle should apply universally, and the modest waiter in a French restaurant will look upon the American tourist who drinks his coffee with the main course as guilty of an offense against civilization itself. This explains why France, in spite of so many geographical and racial diversities, has one common ideal of life. Not only French cuisine, but all aspects of French life are ruled by reason.

Whereas the Germanic races regard work as an end in itself, the French believe in a happy balance between work and leisure, and while they work hard they always keep in mind that their work will earn them a well-deserved rest. The Germanic conception of having a mission to fulfill in life is alien to the French, who believe that the sole purpose of life is individual happiness.

Most Frenchmen find this happiness in the cultivation of the soil. France, which throughout the seventeenth century was the leading manufacturing nation in the world, lost this preëminence to Great Britain after the Industrial Revolution. The peculiarly perilous location of France on the continent, as well as the foolish policies of the Bourbons, kept her chronically entangled in European wars. This fighting sapped her material strength, prevented her from developing her economic resources, and finally caused the largest and most advantageous French colonies to fall into the hands of the British. France had the further disadvantage of small coal resources. French coal is of poor quality, not readily made into coke, which is needed in the smelting of iron. Although rich in iron ore, France could make little use of it owing to its high phosphorous

content, for which no method of elimination had been devised up to 1878. Also, iron deposits were distant from coal mines. Although the industrialization of the country has made much progress since 1870, especially since the Great War, France remains a country in which agriculture balances industry. Even today the rural population slightly outnumbers the city dwellers.

Small land owning is the general rule in French agriculture. Out of 8,591,000 farmers in France, 5,000,000 are their own masters. Even before the Revolution French peasants, in contrast with English and German peasants, had made much headway in securing land of their own. The Revolution accentuated this movement, by enabling the peasants to seize and divide most of the estates previously owned by the nobility and the Church. During the Empire and the Restoration period some large estates reappeared. Many of them were later bought by the new class of rich industrialists, but as a whole they were broken up into lots subsequently purchased by the small landowners. "*Métayage*" is slowly disappearing, except in some districts where it is well adapted to the prevailing crop, as in some of the wine areas, while the number of both the cultivating proprietors and the tenant farmers is increasing. Besides those three groups there are day laborers and farm servants. But very few of these agricultural wage earners are landless. They have not enough land to live on, and have to hire themselves out to larger landholders, but they are saving to increase their plot of land, and at the same time their number is gradually diminishing. It is only in a very few districts, such as the large wine estates of Bordeaux, the big farms north of Paris,

and the forests, that there is a real agricultural proletariat.

The landholdings are very small, and section 745 of the Civil Code enacted in 1804 under Napoleon is largely responsible for this inasmuch as it provides that the estate of the deceased shall be equally divided among the children. This provision of the Civil Code was dictated by the individualism of the French, but it has in its turn contributed to enhance this individualism by effecting the division of the territory into innumerable small plots. Almost every Frenchman, even in the city, owns such a little plot, and cherishes it as his own child. Each bourgeois family prides itself on having a country house with some land or a little farm attached to it. The ambition of every worker in France is to save enough to buy a little piece of land on which to grow vegetables and flowers, and to build a little house in which to spend his old age.

This individualism even permeates French industry. Only seventy per cent of the French people who contribute to the making of manufactured goods are wage earners, as against ninety per cent in Great Britain. Of the remainder twenty per cent are craftsmen working on their own account, and ten per cent are small entrepreneurs employing a few laborers.

This deep-rooted ambition of every Frenchman to be his own master economically has far-reaching political consequences. To a Frenchman the state is a necessary evil, but he wants as little interference as possible. To him the family is a magic password, but *l'Etat* has a very disparaging connotation, and to an honest Frenchman it seems perfectly proper to devise ingenious ways of cheating the State and

especially its tax collectors. Yet the same Frenchman who does not want to give his money to save his country is ready to sacrifice his life and the life of his children when his country demands it. This is not the conception of citizenship which prevails in Anglo-Saxon countries, but it is the very symbol of the political psychology of France—a strange mixture of materialistic selfishness and lofty idealism.

## THE TWO FRANCES

The French democratic ideal, developed slowly during the *Ancien Régime*, found its expression in the philosophy of the eighteenth century, and triumphed over the tyranny of the Bourbon monarchy during the French Revolution. Unfortunately, this victory was short-lived, and was followed by seventy years of autocratic reaction which the spasmodic revolutions of 1830 and 1848 scarcely interrupted. The very life of the Third Republic, founded on the crumbling ruins of the Second Empire, was menaced for thirty years by the joint forces of political, economic and clerical reaction. Two Frances have thus emerged, "authoritarian France, founded on the institutional trinity of monarchy, army, and church, in later years particularly the church, and democratic France, founded on the ideological trinity of liberty, equality and fraternity between individual citizens. . . . The ceaseless struggle between authoritarian and democratic France is the underlying fact which renders French politics explicable."<sup>15</sup>

<sup>15</sup> Helen Hill, *The Spirit of Modern France*, World Affairs Pamphlets, No. 5, p. 14, 1934, which is the best study of France, in condensed form, that has appeared for a long time in this country. See also André Siegfried, *France, A Study in Nationality*, Yale University Press, 1930.



The numerous French political parties represent only slight variations from these two divergent tendencies. These variations correspond to the intellectual subtlety of the French, and to their individualistic desire to be a boss even in a small party rather than an unknown member of a large party. Yet all these parties with their misleading names can be grouped into two hostile camps: the democrats and the authoritarians.

A somewhat more detailed analysis of the French political parties is, however, necessary. For the purpose of simplification, these parties are grouped here according to four main tendencies: traditionalism, liberalism, radicalism, and socialism.

#### TRADITIONALISM

The words reactionary and conservative have such a suspicious sound in France that the most important group of the Right in the Chamber of Deputies calls itself *Union Republicaine Démocratique*, thus acknowledging the final victory of French democracy, although this party, under the leadership of Marin, stands for extreme conservatism. In the extreme right, the royalists, who are only twelve in number, call themselves *Indépendants*, which is an hypocritical name absolutely inconsistent with the idea of autocracy. Even the expression of *Républicain modéré* is never used. For the same reason, an important group of the Center is called *gauche radicale*, although it sits on the right of the radical socialist group.<sup>6</sup> The groups which really belong in the Left are no less hypocritical. For instance, the radical socialist group, in spite of

<sup>6</sup> The Flandin group of *Républicains de gauche* also sits in the center.

its name, is less radically socialist than the socialist group, which sits on its Left.

The labels of reaction and conservatism having thus been banned from the temple of French politics, the word traditionalism has come to designate these political doctrines which do not forgive France for its divorce from the two great forces of the *Ancien Régime*: the monarchy and the church. The traditionalists advocate the strengthening of the family, of the army, of religion, of the social and economic rôle of the propertied class, the scrupulous observance of the complicated *étiquette* of traditional French politeness, and the training of an élite through a study of the classics.

The aversion that the mass of the French people feel against any conservative ideology means that the traditionalists have little direct influence on French politics. In the Chamber of Deputies there are not more than seventy-six deputies belonging to the four parties of the Right, out of a total membership of six hundred. But the indirect influence of the traditionalists is very strong. The traditionalists are well aware that the political radicalism of the average Frenchman does not far transcend the realm of ideologies and that in practical life, especially with respect to their economic interests, the French are very conservative. The traditionalists thus have an unlimited domain to exercise their influence, since they dominate the letters and the largest portion of the Press.

French literature on the whole is very conservative. The traditionalism of Maurice Barrès and the monarchism of Charles Maurras have greatly influenced many Frenchmen, especially among the younger generation, because of the beautiful style

of these two writers. For the French people are extremely sensitive to the beauty of language. The *Académie Française*, although an official body of *littérateurs*, entitled to wear a uniform and to carry a ridiculous sword, is almost as conservative as it was when Richelieu founded it. The *Académie* is always proud to list among its members generals and bishops, and there is little reason to be astonished that the old radical Clémenceau refused to sit with them when elected to the *Académie* on account of his war services. As the French are avid readers of literary works, the influence of these conservative writers on the political orientation of the mass is tremendous. For instance, it is amazing to see that the mediocre novels of René Bazin and Henry Bordeaux are among the best sellers in French bookshops, resounding as they do of the traditional virtues of the family and the bucolic beauty of a peasant's life.

To the extent to which the French press is a press of opinion rather than of information, the *littérateurs* find many opportunities to write for newspapers. At the same time the prestige of literature is so great in France that a series of articles by a well-known *littérateur* will boost the sale of a newspaper. The conservativeness of French literature thus finds in the press another channel for influencing public opinion.

It seems strange that French *littérateurs* should be so conservative, when it is remembered that, in the eighteenth century, literature paved the way for the Revolution. But, on the other hand, it might be pointed out that French literature to-day is still in the opposition, as it was under the kings. At the same time Paris, which nowadays has so little in-

fluence upon Parliament, is still the capital of French literature. A French writer may expect no recognition outside Paris, and mundane activities in Paris are as much a factor in literary fame as genuine talent. Ambitious young writers must therefore bow to the conservativeness of Paris society in order to rise in the literary world.

What is certain is that the political writings which defend the cause of traditionalism are, in quality of style and vigor of thought, distinctly superior to the productions of the radical writers. The royalist *Action Française*, edited by Maurras and Léon Daudet, and which would be more fittingly called *Réaction Française*, is probably the best-written paper in the country. Yet the *Action Française*, notwithstanding the great intellectual influence which it exerts, is unable to send a single deputy to Parliament, or even a representative to the reactionary Municipal Council of Paris.

#### LIBERALISM

Liberalism is the shade which, in the gamut of French political opinion, colors both the Left wing of the Right and the Right wing of the Center. In other words, there are in France both traditionalists and radicals who have liberal inclinations. There was a sharp contrast between traditionalism and liberalism under the July Monarchy. But the contrast gradually disappeared, and a so-called liberal political party does not exist to-day in France. However, the philosophy of political liberalism is still held by many people, who may belong to various and often hostile political parties. According to Faguet,<sup>7</sup> the criterion of liberalism in French politics is the atti-

<sup>7</sup> Emile Faguet, *Le libéralisme*, Paris, 1903.

tude toward the Church. Conservatives who accept the principle that the Church should keep out of politics may be called liberals. Their numbers increased after Leo XIII urged French Catholics to accept the republican régime. On the other hand, radicals who have abandoned their narrow anti-clericalism may also be regarded as liberals. Until the law of separation between Church and State was passed in 1905, the radicals did not show any liberalism in that respect. The law of 1901 pertaining to religious congregations led to abuses against the Church which made the Combes ministry famous. These abuses may be excused on account of the necessity felt by true republicans of defending the régime against the undeniable reactionary influence of the Church. The official disestablishment of the Church, which appeared to many to be the climax of the struggle between traditionalism and radicalism proved, on the contrary, to be the beginning of an era of reconciliation. Clericalism, that is to say the interference on the part of the Church with the government of the country, was eradicated, and there was no longer any reason why the radicals should remain militant anti-clericalists. Many of them gradually adopted a more liberal attitude. Briand, who in his youth was a militant socialist, and who was reporter of the law of separation, became the typical liberal in that respect, and was finally buried with benefit of clergy. In fact, radicals have on the whole become more liberal as democracy has intrenched itself more firmly.

This growing liberalism appears in other fields than religion. The administration of the country, which was so autocratic in the early years of the Third Republic, was soon liberalized. As early as

1884, the central government abandoned its prerogative of appointing the mayors in all the communes of France, who were henceforth elected by the municipal council.<sup>8</sup> The *préfets*, who were so tyrannical until the beginning of this century, have been controlled more and more by the elected representatives of the people. There is no liberal party in France, and very little talk about political liberalism, because the need is not felt for it. This does not necessarily mean that the political organization of France is thoroughly liberal, but the people are made to feel that they run the country, which, though far from being the truth, keeps them content.

It is in the economic field that liberalism is losing ground. The rising tide of protectionism and of social legislation have so engulfed economic liberalism that some French economists speak of the present economic system as neo-mercantilism, and only the most optimistic ones venture to speak of neo-liberalism.

#### RADICALISM

The word radicalism in French politics has not the same connotation as in American politics, where it applies even to the communists. Just as the men of the Right in the Chamber of Deputies call themselves democrats, the radicals, although they repeatedly flirt with the socialists even to the extent of calling themselves radical-socialists, are neither radical nor socialist, and there is as much difference between them and the real socialists as between Jefferson and Karl Marx.

The radical-socialists are the most numerous single radical party, but there are many Frenchmen who

<sup>8</sup> With the exception of Paris.

belong to other political groups, and who may be called radicals. Alain, for instance, regards as radicals, "a great portion of those who vote the socialist ticket and also a great portion of those who vote the moderate ticket. Because," he says, "I realize that they vote mostly against tyranny, against injustice, and to uphold the sovereignty of the people."<sup>9</sup>

Thus the radicals are those who continue the tradition of the French Revolution. In this sense, the radicals might be regarded as traditionalists, but the tradition they stand for was born in 1789, whereas at this same date a death blow was dealt the tradition for which the traditionalists of the right stand. Yet the radicals have the same quasi-religious loyalty toward the Revolution as the traditionalists have toward the Monarchy.

Just as the French Revolution represented different political shades, which conflicted at times to the point of putting to death the man in the minority, the radicals may also be divided into Feuillants like Caillaux, Girondins like Herriot, and Jacobins like Daladier. The Jacobins regard themselves as the real radicals. Like Robespierre, they say that they are pure. But as neither the Feuillants nor the Girondins will admit that they are impure, all radicals inevitably incline toward Jacobinism.

The acceptance of the principles of the French Revolution means in the first place that the radicals are nationalists. They, of course, do not call themselves that, because nationalism, which is the label of the *Action Française*, is synonymous with the worst sort of reaction. Yet it cannot be denied that nationalism proper did not exist before the Revolu-

\* Alain, *Eléments d'une doctrine radicale*, Paris, 1925, p. 27.

tion, as personal allegiance to the same king was the common bond of Bourguignons and Provençaux, Bretons and Alsatians. It was at the battle of Valmy that, for the first time in the annals of France, a French army instead of acclaiming the king, defeated the enemy with the clamor of "*Vive la nation.*" Goethe, who witnessed the event, said later that he felt at that moment that something new had come into the world.

This nationalism is so deeply rooted in the French radicals that in 1871 they clamored for the continuation of the war against the opposition of the monarchists, a historical fact that French royalists of to-day too readily forget. This nationalism of the radicals has endured throughout the Third Republic, and it was a radical, Clémenceau, who after resisting the policy of colonial expansion because it would divert forces from the German border, won the Great War for France.

This nationalism of the radicals is made up in part of love for the fatherland. The love for the soil in this country of peasants is reflected in the courageous fight that the French soldiers put up in the last war to preserve the integrity of the nation's territory. But the nationalism of the radicals has a loftier aspect, due to the fact that, since the French Revolution, France is to every Frenchman the very symbol of civilization. When France is attacked, the French feel that civilization is in peril. Many monuments erected in humble French villages to the dead of the last war bear this inscription: "*A tous ceux qui sont morts pour la civilisation.*" As E. R. Curtius remarks: "In Germany, it is impossible to find the word *Kultur* on any of the monuments to the dead."<sup>10</sup>

<sup>10</sup> E. R. Curtius, *op. cit.*, p. 23.



This conception of France as the champion of civilization is at the bottom of all the missionary wars waged by France during the Revolutionary period, with the purpose of spreading the Gospel of Liberty throughout Europe.

For the slogan of liberty, equality and fraternity remains the creed of the French radicals. Voltaire is still the prophet of their party. Eighteenth-century individualism is their religion, and it is on this account that the immense majority of the French, although they do not always vote the radical ticket, are radicals at heart. "It is only a negligible few who really desire a one-man rule or an uncontrolled oligarchy—a régime under which the princes of finance are the kings of the land, and the army and the big bankers decide by themselves upon war and peace."<sup>11</sup>

A country of small landowners is of necessity a country of individualists, and for this reason the villages and small towns are the centers of French radicalism. The larger the city, and the more remote its inhabitants are from the country, the more likely they are to uphold either extreme conservatism or extreme Marxism. This explains the political contrast between Paris and the province. The province as a whole is radical, but Paris *intra muros* is conservative, while its suburbs are red—the "red belt" of the capital.

The individualism of the radicals is always on the defensive. The common people of France have been so tyrannized and exploited in the course of history that, although successive revolutions have pushed the privileged class more and more into the background, the radicals are always afraid of being de-

<sup>11</sup> Alain, *op. cit.*, p. 28.

prived again of their hard-won liberties. This accounts for the everlasting struggle between landlord and tenant, employer and employee, the awe inspired by big financiers and industrialists, the unpopularity of the police and of the army, the hatred of the Church while it tried to interfere with politics—in a word, the distrust which the average Frenchman feels of authority in any form.

This defensive complex of the individualistic radicals is accompanied by an aggressive equalitarianism—a resentment of privilege in any form—expressed, for instance, in the sneers continually heard in the wake of bejeweled ladies and of luxurious automobiles. This equalitarianism is one of the main traits of Republican France, and its demagogic aggressiveness is the logical outcome of four abortive revolutions. The radicals realize that the battle for democracy is not yet completely won, since under the Third Republic there are still so many privileges. So the struggle goes on, bitter, relentless. Alain well expresses this when he says: "No sight is as delectable to my eyes as the humiliation and downfall of an important personage."<sup>12</sup>

Although the influence of the traditionalists in Parliament is slight, the radicals feel that they still wield too much power. They influence public opinion through literature and journalism. They control industry and finance, and in spite of the undeniable democratization of the civil service and of the army, they still fill many of the most important positions. "In short, there is a permanent conspiracy of the high officials, the rich, the ambitious, and the parasites against the mass."<sup>13</sup> It is against this conspiracy

<sup>12</sup> *Ibid.*, p. 17.

<sup>13</sup> *Ibid.*, p. 24.

that the radicals lead the opposition. General Boulanger was an instrument of this conspiracy; the radicals defeated him. The Dreyfus affair was engineered and directed against democracy by this same conspiracy; the radicals won again. The Church was the strongest supporter of this conspiracy; the radicals had the religious congregations expelled after 1901, and the disestablishment of the Church proclaimed in 1905.

The anti-clericalism of the radicals, however, was more than a mere phase of their battle for democracy. With a keen perception of French psychology, they built an ideology of anti-clericalism, which should have the same mystical appeal to the people as the religion that they intended to destroy. The priests of anti-clericalism were the freemasons, and around their altars they gathered all the pure-blooded Jacobins.

The French cannot thrive without ideologies, and now that anti-clericalism is practically dead, the radicals have to turn to another ideology upon which to feed the people. The new radical faith is *l'Ecole unique*. It means the same schooling for all, by doing away with tuition fees in secondary schools, and the establishment of entrance tests compulsory for rich and poor alike. Heretofore, high school and college education had been open only to students who had won scholarships, or who came from well-to-do families. Now the equality is complete, and this is a great victory of the radicals over the privileged classes.

The supporters of radicalism being scattered throughout provincial France, innumerable local committees have been created, with the purpose of keeping the radical faith alive, and of spreading the

right political propaganda throughout the country. The radicals are again true to the Revolutionary tradition; one recalls the political clubs organized in the eighteenth century, with branches throughout the provinces, and which proved a powerful instrument in the overthrow of the monarchy. The most influential of these clubs was the club of the Jacobins, the political faith of which is still the gospel of the French radical committees of to-day.

The Revolutionary clubs were badly shaken by the violent reaction which followed the ninth Thermidor, and Napoleon's police succeeded in annihilating them. But they reappeared after 1815 as secret societies, called "*Sociétés de pensée*," a term which implies all the ideology of the French radicals. These societies contributed to the Revolution of 1830, and engineered the Revolution of 1848. Neither the coup d'état of the second of December nor the police of Napoleon III succeeded in destroying their influence. The conservative Third Republic was more lenient toward them, and a pure Republican like Gambetta became "the traveling salesman of genius" (as Thibaudet calls him<sup>14</sup>), the peddler of

<sup>14</sup> Albert Thibaudet, *Les idées politiques de la France*, Paris, 1932, p. 140, which is brought up to date in a short article: "Les partis politiques en France," *Nouvelle Revue Française*, December, 1934, p. 894 ff. The author is one of the keenest interpreters of the political psychology of France. He understands particularly well the mentality of the radicals, as he comes from the *département* of Saône et Loire, which is the center of French radicalism. Lamartine, the illustrious son of Mâcon, the chief town of the *département*, resuscitated the Revolutionary gospel in his famous *Histoire des Girondins*. He started at Mâcon the *campagne des banquets*, which led to the Revolution of 1848. During the Third Republic some of the leading radicals, such as Sarrien and Dubief, have also come from the same *département*. Thibaudet's home, Tournus, is a delightful town on the right bank of the Saône, where the radicalism of the inhabitants is a gesture of defiance to the powerful Church of St. Philibert, one of the finest specimens of Cluny Romanesque. For, strangely enough, Cluny is in

radicalism, the connecting link between the local committees.

The radical committees consist of college professors and *instituteurs*, petty officials of the postal service, shopkeepers, artisans, and the most educated among the peasantry. They are the local Tammany Halls of France and, like Tammany Hall in New York, they are the most important factor in all electoral contests. Although France has not the American system of primaries, the result is virtually the same, as the local committees designate the candidates. In other words, out of millions of electors there are not more than about two hundred thousand who take an active part in politics. These men form what the French call *les cadres*.

The parties of the right have never been able to organize active political committees. There are local groups of Catholic laborers, of *Action Française*, but they are not equipped for electoral action. At any rate, the conservatives are not as interested in active politics as the radicals. Wealth, or a comparatively good income do not stimulate one to make electoral speeches and to bring pressure to bear on one's neighbors. As previously indicated, conservatism in France is to be found more in literature the heart of the same *département* of Saône et Loire, and this center of French radicalism was for centuries the center of Christendom. But Saône et Loire had to become radical, as its population is mostly composed of individualistic small farmers and *vignerons*, who have known economic independence for many generations, and have gained an indomitable sense of their dignity as free men. Thibaudet's analysis of radicalism thus accounts for the rural background of this philosophy. Alain, whose real name is Chartier, who was of humble birth, and obtained the highest degrees in philosophy through scholarships which hurt his pride, represents, on the other hand, the aggressive equalitarianism of the radicals. No one who leads the mundane life of Paris can understand why France is at heart radical-socialist. The fact is easier to grasp for those who have lived among French peasants, or for those whose intellectual merits are offset by a humble birth.

ature and newspapers than in active politics. The conservatives speak with contempt of the *comitards*, but this is due to envy.

The radical committees, on the other hand, are so powerful that a critic of radicalism, Daniel Halévy, has written a book entitled *La république des comités*.<sup>15</sup> These committees practice the spoils system to a much lesser degree than similar organizations in American politics. For the French radical politics is more a struggle for spiritual victories than for material advantages. A. Thibaudet makes the following claim: "Politics is the life of the members of radical committees, but in the moral and intellectual sense; they sometimes make a living out of it, but on the whole there is no scandalous abuse. In the districts I know," he adds, "*les cadres* consist of modest people for whom politics means more expense than profit."<sup>16</sup>

The radical army of France consists not only of the radical electors and of the radical committeemen, but also of the radical members of Parliament. As Thibaudet puts it: "There is a radical party and a radical personnel." It must be admitted that many of the radical deputies and senators seem, even to those who follow the radical creed, to lack ability and sometimes honesty. There has been a surprising scarcity of great statesmen in the ranks of the radical-socialist party, which has played such a tremendous rôle in French politics. This situation apparently results from the fact that the radical-socialist candidates to Parliament are designated by committees, and considerations of local

<sup>15</sup> Paris, 1934.

<sup>16</sup> A. Thibaudet, *La république des professeurs*, Paris, 1927, pp. 155-156.

politics prevail upon the question of personal ability, just as in American primaries. Combes and Sarrien, who did not rise above mediocrity, were typical premiers recruited from among the radicals. Clémenceau has been the only great exception to this rule, the only radical who in active government followed the true traditions of those Jacobin members of the Committee of Public Safety who saved the French Revolution against a coalition of all Europe. But his lonely retreat is an evidence that the radical committees are more adverse to a strong form of government than their Revolutionary precursors. The political crisis of to-day, which is commonly known as *crise d'autorité*, and attributed almost exclusively to the radicals, has served as a reminder to some among them that there was once such a thing as a Jacobin dictatorship. They might be named the *Hébertistes* of the party.

Such is the party which has ruled France almost uninterruptedly for the past thirty-five years. It is affected, however, by a few factors of inherent weakness. The mediocrity of its parliamentary personnel may, in case of a serious crisis, render the party incapable of weathering the storm. On the other hand, a party which bases its strength on ideologies will be in danger of losing its hold the moment it lacks new ideologies upon which to feed the people. Anti-clericalism is a thing of the past, *l'école unique* is a won issue. What other spiritual food will they offer to the aggressiveness of their followers? The great source of weakness of French radicalism is that it lives on a revolutionary tradition, but, since radicalism has won most of its battles against traditionalism, very soon there will be no cause left for revolution. As previously suggested, radicalism is

a form of traditionalism dating from 1789, which means that French radicalism in our fast-moving world is to-day very conservative and may to-morrow be reactionary. In this respect, the ideological value of socialism in France may give this new radicalism an impetus the possibility of which many refuse to admit.

## SOCIALISM

To all appearances, socialism should constitute the most serious danger for radicalism. For socialism has more than ideologies to fight for, it is an idealistic doctrine which savors of religion. At the time of Combes there were already far-sighted radicals who sensed a neo-clericalism in socialism, as Voltaire found in Rousseau's religion most of what he was combating.<sup>17</sup> The socialists are the intellectual heirs of Rousseau, as the radicals follow Voltaire for their prophet. Radicalism is not an idealism, it is a very realistic philosophy of life, based on the material interests and selfish individualism of the peasants and *petits bourgeois*. But in this land of contradictions, materialism alone cannot rule. In this country where most of the crusades originated, in this country which created Gothic architecture, in this country of the great explorers of the Mississippi valley, in this country which even to-day furnishes more than half of all the Catholic missionaries to remote lands, there is necessarily some idealism left. The radicals, aware of this mentality of the French, felt an absolute need of ideologies, but the superiority over radicalism of such an idealistic philosophy as socialism is that it does not need to use as so many ideologies the eight-hour day or

<sup>17</sup> A. Thibaudet, *Les Idées politiques de la France*, p. 185.



the social insurance law, and the socialistic ideal is certainly making great headway among the radicals. Thus socialism appears to many Frenchmen as a new religion, and the ascetic Jewish leader of the socialist party, Léon Blum, seems to be the prophet designated by God to lead the movement.

On the other hand, socialism advocates a social and economic philosophy absolutely adverse to the radical way of life. Radicalism means individualism, with all its corollaries of individual liberty, private property, and economic laissez-faire. Socialism means, in theory at least, the submission of the individual to the group, and the state control of all means of production. The reconciliation of these two ideals seems as impossible as an understanding between Jefferson and Marx.

Yet the undeniable fact is that the radicals get along very well with the socialists. The deeply individualistic radicals even go so far as to call themselves radical-socialists. This is the result, on the one hand, of the tendency previously pointed out for a French political party to put more red on its label than the reality warrants. In this connection, the radicals were once compared to radishes, which are red on the outside and white inside, radishes which naturally are put on the butter plate.<sup>18</sup> On the other hand, the name radical-socialist expresses the very real fact that the radicals and the socialists understand each other very well. These two parties are the only ones which base their strength on the local committees, and which stand firmly together against a common enemy: authoritarian France. It may be that the radical committees are the

<sup>18</sup> White in France is the traditional color of conservatism. As to the butter plate, it is the symbol of political graft.

successors of the Revolutionary clubs, which were then and still are controlled by the freemasons, whereas the socialist committees are rather the successors of the secret societies of the Restoration and July Monarchy; in reality, the organizations are similar, and include similar if not the same men. Freemasonry, for instance, which has been traditionally the hotbed of radicalism, now includes more and more socialists. At the same time, if the radical masses tend more and more to socialism, the socialist leaders, as they age, have a common tendency to turn to radicalism. Millerand, Briand and Paul Boncour are the most conspicuous illustrations of this trend.

It is true that the socialists, as a group, have always refused to coöperate with the radicals for the formation of a cabinet. The reason is that the politics of the socialist group in the Chamber of Deputies are largely determined by the decisions made by the Socialist congress, at which the delegates of all the socialist local committees meet every year. And these local committees have always been hostile to *participation au pouvoir*, because it would appear to the working masses as an alliance with the moderates, and this might lead many socialists to join the ranks of the communists. Conversely, the radical-socialists have always been reluctant to enter into any lasting entente with the parties of the center, and might, instead, prefer to follow a policy of rapprochement with the socialists—otherwise many of their followers would join the socialist ranks.<sup>19</sup>

The chief point of accord between radicals and socialists lies in the decided departure of French

<sup>19</sup> This reminds one of the famous French story of young Gribouille, who, for fear of the rain, jumped into the river.

socialism from the orthodoxy of Marx's doctrine. Realizing that Marx wrote his *Capital* in England, and under the influence of that country, which is far more industrialized and far less agricultural and *petit bourgeois* than France, the theories of French socialism have gradually worked out a doctrine which would adapt itself to French conditions. At the same time, the practical necessity of getting votes outside the industrial proletariat led French socialism to adjust its creed to the philosophy of the French peasants and *petits bourgeois*, by the acceptance of private property, at least within certain limits.

By expurgating its doctrine, the socialist party has succeeded in winning one hundred and thirty seats in the Chamber of Deputies. But its firm stand on the question of *participation au pouvoir* has alienated many of the socialists, especially during these past two years of political strife. A serious conflict developed within the ranks of the socialist party at its annual congress held in Toulouse in July, 1933. A small but spirited minority launched an open attack against the policies of Léon Blum, the majority leader, who was largely responsible for the party's refusal to share in the responsibilities of government, and for its negative attitude of obstruction in Parliament. This minority group warned the party that they were following in the footsteps of both the Italian and German socialists, whose failure to take advantage of the post-war situation paved the way for a fascist reaction in both countries. A split among the socialists was averted in Toulouse, but the conflict kept on brewing within the party. It came to a climax when the Daladier Cabinet was overthrown in October, 1933,

on the question of salary cuts for state employees. The majority of the socialist group in the Chamber of Deputies refused to second this economy measure, and thirty-one of the one hundred and thirty socialist deputies left the party. Known for a while as Neo-socialists, they promptly organized a new party, the *Groupe socialiste de France*.

As the name indicates, this new party is a blend of the socialist doctrine and of the nationalist party. Like Mussolini and Hitler, its leaders are socialists who have embraced the cause of nationalism. These socialists of France seem indeed to belong to the same school as the national-socialists of Germany. They appear to be the upholders of the true fascist doctrine. They are socialists in the sense that they are adverse to capitalism, but they are equally hostile to communism, especially to its international aspect. They are realists who know that pure socialism has little chance of success in France. They still advocate state control of key industries, as a move against capitalism, but they accept the principle of private property and, taking account of the trend of world affairs, they have turned to a more nationalistic attitude.

This split of the socialist party was followed in February, 1934, by a rapprochement between the radicals and the center, and rather than be left in complete isolation, the socialists entered into a compact with the communists known as *common front*. But neither the rapprochement between the radicals and the moderates nor the entente between the socialists and the communists is well cemented. The fact that the radicals and the socialists are ever ready to join forces against the conservatives is demonstrated, on the one hand, by the rift

between Tardieu and Chautemps in July, 1934, and, on the other hand, by two elections held in September, 1934, in Dijon and in Blois, to fill seats in Parliament left vacant by the death of their holders, at which the radicals and the socialists pooled their votes on a common candidate.

#### A POLITICAL MAP OF FRANCE

France is so diversified geographically, economically, and racially that a political map of the country does not lend itself to an easy analysis.<sup>20</sup>

Roughly speaking, the Loire divides the country into two hostile political regions. North of the Loire lies authoritarian France, south of the Loire lies democratic France.

The Northwest is the most conservative district, with Normandy coming first. The conservatism of the Normans is not the result of a mystical attachment to traditionalism, but of the desire on the part of this industrious race, living in one of the wealthiest agricultural sections of France, to maintain its economic position. Brittany is, on the whole, conservative, although economically it is a poor province. But the Bretons have the mysticism of the Celts, and the Catholic Church has kept a strong hold on the people, who thus remain attached to their traditions and even to their language. This Breton mysticism, however, may lead them to the other extreme as well, and the workers of the Brest naval arsenal and many fishermen along the coast are communists of the most radical sort. The southern part of Brittany, which constitutes the *département* of Loire Inférieure, is the most conservative

<sup>20</sup> See on this question the very detailed study by B. M. E. Léger, *Les opinions politiques des provinces françaises*, Paris, 1934.

section of the province. It is, with the adjoining province of Vendée, the last royalist stronghold of France. Vendée, with its large estates and its Catholic peasantry, has remained true to the tradition of the *Chouans*, who relentlessly opposed the Revolution. Yet the royalist candidates to Parliament are, more and more, losing ground to the moderate republicans. East of Vendée, Anjou is less conservative, especially as one gets closer to Touraine.

The North is also conservative, in spite of its large industrial proletariat. The Flemish peasants, loyal to their Catholic faith, the tenant farmers of Artois and Picardie, hard-working and peaceful, more than make up for the more radical working masses of the great industrial centers of Lille, Roubaix, Tourcoing and Amiens.

The Northeast, although highly industrialized as well, is conservative. The Alsatians are good Catholics, especially the prosperous peasantry. The industrial proletariat of Strasbourg and Mulhouse is more radical, but the communists are a small minority, and many workers are too Catholic to be very radical. The industrial proletariat in Lorraine is more red than in Alsace, but conservatism predominates in the province, especially in the shape of extreme nationalism, for Lorraine is France's advance guard on the German frontier. It must not be forgotten that Joan of Arc, Maurice Barrès and Poincaré were Lorrainers.

As one goes farther south, conservatism gradually gives way to radicalism, which is at its height in the South. Yet south of the Loire there are small conservative islets, as, for instance, the southern part of the Massif Central, (Haute-Loire and

Lozère) the Basque country, and the *département* of Alpes-Maritimes.

The three large provinces in the South of France, Gascony, Languedoc and Provence, are the most uniformly radical provinces in the country, although they are the least industrialized. Their inhabitants are mostly small landowning farmers, whose individualistic way of living makes them follow the radical-socialist creed. Toulouse has been the traditional capital of radical-socialism, and the *Dépêche de Toulouse* the leading paper of this party. Socialism is rapidly making progress in these provinces, and Narbonne is beginning to be regarded as the capital of socialism. But it must be remembered that it is an expurgated socialist doctrine, adapted to the ideal of small landowners.

The *Méridionaux* are also more politically minded than the Northerners. They are quick tempered, imaginative, and fond of eloquence, and the relative leisure afforded by a mild climate enables them to devote more time and energy to active politics. This is a blessed land for ideologies and café politics. Here, temperament prevails over economic factors, and a growing number of the small landowners are being converted to communism, because of the neo-religious appeal of this doctrine.

In the more industrialized North, on the other hand, the people have an inherent stability, which makes for political conservatism even among a large section of the industrial proletariat, and accounts for a moderate stand in politics.

It is certain that, on the whole, the agricultural South rules the country as against the industrial North. The North complains of this situation, because it pays more taxes than the South, but south-

ern eloquence and ideological radicalism prevail over northern industry and finance. As Léger concludes his study on *Les opinions politiques des provinces Françaises*: "The truth of the matter is that the political temperament of a given people is shaped less by economic factors than by ethnical and spiritual influences."<sup>21</sup>

No political map is complete that does not mark a contrast between Paris and the provinces. Until 1871 Paris set the pace in French politics. Under the monarchy Paris already had such great political influence that the *Fronde* determined Louis XIV to live in Versailles. The Parisians had their revenge by forcing Louis XVI to move to the Tuileries at the beginning of the Revolution. Paris made the Revolutions of 1830, 1848, and 1870, and the provinces followed docilely. But the Commune insurrection of 1871 was put down with troops drawn from the provinces, and, like the kings, the Government of the Third Republic established itself at Versailles. Although Paris became once more the political capital in 1879, orthodox republicans have distrusted Paris ever since. Up to this day Paris proper—that is to say the part of Paris located within the old fortifications—is extremely conservative, while the industrial suburbs are communistic. These two extremes in no sense represent the "moderate radicalism"<sup>22</sup> of the average provincial, who is inclined to regard the Parisian, whether conservative or red, as a naughty child. The fascist uprising of February 6, 1934, and the common front manifestations which took place a few days later, were

<sup>21</sup> Page 226.

<sup>22</sup> These two contradictory words are very often used together in French politics.



not followed by any serious disturbances in the provinces.

As Thibaudet puts it, "France is a country where literature is synonymous with Paris, and Paris alone, and where politics are synonymous with the provinces, and the provinces alone." Paris is again the political capital of France, but rioting has become more difficult with the wide avenues built under the Second Empire by Haussman, for better gunnery facilities, as well as with the close watch kept over the capital's turbulence by a Breton army and a rural Parliament. The *Hôtel de Ville*, which was once a revolutionary hotbed, has less power to-day than a village mayor, and the three million Parisians have less to say in the election of senators than the 160,000 inhabitants of the two suburban communes of Saint-Denis and Levallois. France, after all, is not a hydrocephalic country like Austria, and it must be regarded as an important indication that, although only three out of fourteen French Presidents were Parisians, all three, Périet, Deschanel and Millerand, proved failures.

Yet the indirect influence of Paris on French politics is great. In the first place, as the capital of letters, Paris imbues journalism and literature with a distinctly conservative flavor. And members of Parliament spend most of their time in Paris, where they are more or less influenced by the conservatism of society, with the result that a deputy may give radical speeches in his provincial constituency, and yet dine with bankers in the capital.<sup>23</sup>

#### THE RÔLE OF THE INDUSTRIALISTS AND FINANCIERS

"There is no instance in France of a great industrialist or business man becoming a statesman of

<sup>23</sup> Cf. Alain, *op. cit.*, p. 55.

note."<sup>24</sup> Yet the industrialists and financiers play a rôle in French politics which has assumed tremendous proportions in the post-war period.

The war-time occupation by the German armies of the most highly industrialized *départements* led to the creation of industries in new regions of France. The peace treaty, which assigned to France all the iron deposits of Lorraine—the richest of Europe—gave much impetus to the French heavy industries. The somewhat antiquated industrial plants and mines of the North, which the war had for the most part destroyed, were replaced by up-to-date organizations equipped with efficient machinery, and the handsome profits thus realized acted as an incentive to French manufacturers in other parts of the country to rationalize their plants. The post-war inflation also led to an increase of exports and to a boom in the French exporting industries. Some economists have referred to the whole process as an industrial revolution. This is an exaggeration, as France still remains a predominantly agricultural nation. But the growing economic importance of big business has proved an important factor in post-war politics.

Conscious of its economic importance, big business has deliberately entered the field of active politics since the war, by recruiting spokesmen from the intellectual élite, and by controlling important newspapers. The doctrine of this new industrialism has been formulated in Parliament by a professor, François Poncet, in the Ministry of Commerce by a humanist, Serruys, and in *Le Temps* by a publicist, Lucien Romier.

This doctrine does not imply a systematic ex-

<sup>24</sup> A. Thibaudet. *La république des professeurs*. p. 158.

exploitation of the working class. French industrialists seem to be more fully aware than their American colleagues of the fact that capitalism cannot be saved from ultimate destruction unless the purchasing power of the mass is kept on a high level. As a result, big business has encouraged social legislation, and has supported the International Labor Bureau.

Greater coöperation between industries has been achieved in the post-war period. What individualism had so long prevented, nationalism has achieved. The great industrial centers of the North and the East have been closely linked by the *Forges et aciéries du nord et de l'est*. Coöperation in the steel industry is maintained by the *Comité des forges de France*, which controls important newspapers, and which has found an effective spokesman in M. Tardieu. The committee plays a mysterious but undeniable rôle in French politics, although its influence is rather on external affairs than on internal politics. Finally, all big business in France is welded into the powerful *Confédération de la production française*, which influences the Government in its tariff and foreign-loans policy.

Such influential newspapers as *Le Temps*, *Le Journal des Débats*, and *La Journée Industrielle* are virtually controlled by big business, and their editorials reflect its capitalistic philosophy.

The Government has acknowledged the increasing importance of economic life by creating a National Economic Council, composed of representatives of the big capitalistic interests, which serves in an advisory capacity in the drafting of bills dealing with economic problems. Yet, notwithstanding

its alliance with certain of the intelligentsia, big business has not worked out a consistent economic and social doctrine. Its philosophy has not advanced beyond the realm of mere opportunism, and the majority of the French people continue to be exceedingly distrustful of what is known as *les intérêts économiques*. Tardieu's much publicized connection with those interests has made him so unpopular that many feel that his chances of heading a new cabinet are very remote.

However, the cause of capitalism has been strengthened by the fact that the termination of the rule of the radical majority elected to the Chamber in 1924 and in 1932 was in both instances due chiefly to economic difficulties. Poincaré's cabinet of national union "saved" the franc in 1926 and many Frenchmen, who do not know that Poincaré merely followed the financial policy laid down by the Committee of Experts appointed in the spring of 1926 by the radical-socialist Caillaux, are inclined to believe that radicalism and bankruptcy are synonymous. The economic depression and the resulting deficit in the budget have greatly contributed to the political unrest which culminated in the riots of February, 1934. The radical-socialist cabinet, headed by M. Daladier, gave way to Doumergue's truce cabinet, in which the interests of big business were represented by such men as Tardieu and Flandin. The present Flandin ministry, organized in November, 1934, advocates less state control of business. But so far the accomplishments of these conservative rulers of France in the economic field are not to be compared with those of Poincaré in 1926.

## THE INFLUENCE OF THE PRESS

Lord Bryce says, "It is the newspaper press that has made democracy possible in large countries."<sup>25</sup> The diffusion of political news by a daily press, the low-selling price of which makes it accessible to all, gives every voter the requisite information for pronouncing himself on any political issue. But the press is a double-edged weapon; in the hands of political extremists, or when controlled by economic interests, it becomes a dangerous tool, through the facility with which false as well as correct information may be spread. Were freedom of the press abolished, it would mean the end of democracy, and yet it is at times the weapon with which democracy allows itself to be stabbed in the back.

Some sporadic attempts were made in France, during the seventeenth and eighteenth centuries, at developing a periodical press of information.<sup>26</sup> As early as 1631, Théophraste Renaudot founded the *Gazette*, which Richelieu patronized and in which Louis XIII collaborated in person. Under the name of *Gazette de France*, this soon became the unofficial publication of the Ministry of Foreign Affairs. In the eighteenth century the best-known periodical publications were the literary and scientific *Journal des Savants* and the *Mercure Galant*, which has survived to this day as the semi-monthly *Mercure de France*.

Not until the Revolution, however, was the development of a political press made possible by

<sup>25</sup> Lord Bryce, *Modern Democracies*, New York, 1921, Vol. 1, p. 92.

<sup>26</sup> Henri Avenel, *Histoire de la presse*. A. de Chambure, *A travers la presse*, Paris, 1914. Stéphane Lauzanne, *Sa majesté la presse*, Paris, 1925.

section eleven of the *Déclaration des droits de l'homme*, according to which "the free exchange of thoughts and opinions is one of the most valuable rights of man. Every citizen is thus at liberty to speak, write and print, although he will be liable for abuse of this freedom, in the cases specified by the laws."

Mirabeau founded the newspaper *Etats Généraux*, which was replaced after a short existence by the *Courrier de Provence*. In the summer of 1789 Gaultier de Biauzat founded the *Journal des Débats et Décrets*, which gave a daily account of the debates of the National Assembly. Still in existence under the name of *Le Journal des Débats*, this is the oldest of French newspapers.

No less than one hundred and forty daily papers were founded in 1789. Most of them represented political groups, and were far more interested in the discussion of controversial subjects than in the publication of news. The royalists published *L'Ami du Roi*; the Girondins, *Le Patriote Français*; the Jacobins voiced their opinions in *Le Journal des Amis de la Constitution*, *Le Journal des Jacobins*, *Le Défenseur de la Constitution*, the latter edited by Robespierre. More independent but far more violent were the *Révolutions de France et de Brabant* of Camille Desmoulins, the *Ami du Peuple* of Marat and the brutal *Père Duchesne*.

The circulation of these dailies was practically limited to the capital. But a periodical, the *Feuille Villageoise*, the purpose of which was the political education of the people in the provinces, had an enormous circulation. Numerous almanacs dealing with any kind of subject were also very much in vogue.

The Terreur stamped out journalistic opposition, and even the Directoire permitted only semi-official newspapers like the *Journal des Défenseurs de la Patrie* or the *Courrier de Paris*.

With the *coup d'état* of the eighteenth Brumaire, the last remnant of French democracy disappeared completely. The First Consul banned all but thirteen political papers. Once Emperor he kept only four of them, among which was the official *Moniteur*. The three others, *Journal des Débats*, *Gazette de France*, and *Journal de Paris* were strictly controlled by state-appointed censors.

The Bourbon Restoration maintained a strict censorship over the daily press until 1819, when it was conceded some freedom. The press of the opposition soon abused this freedom, and the censorship was reestablished. Yet a discreet liberal opposition was conducted by the *Débats*, the *Constitutionnel* and the *National*. Charles X decided to muzzle it. This was the object of one of his three famous *ordonnances*, which led to the Revolution of 1830 and the overthrow of the Bourbon monarchy.

Louis-Philippe had to assume a more liberal attitude. During his reign, Emile de Girardin founded *La Presse*, the first French newspaper which relied to a considerable extent on commercial publicity, in order to reach a larger public by lowering the selling price of the dailies. It also inaugurated the publication of novels through daily installments. This commercial flair raised the circulation of *La Presse* to sixty-three thousand in 1848, and to more than one hundred thousand during the Revolution.

This example was followed by other newspapers. The public became more interested in reading newspapers, and by the end of Louis Philippe's reign,

the press of the opposition had assumed such importance that the *Gouvernement provisoire* of 1848 held its sessions in the offices of *La Réforme* and *Le National*.

Soon after Louis-Napoleon became president, he abolished the freedom of the press. During the Second Empire, there was no censorship of the press, properly speaking, but a system of "warnings" and fines which accomplished the same result. But public opinion had already become such a powerful political factor that the imperial government had to assume a more liberal attitude later. Numerous opposition papers were founded after 1867. The most hostile to the government were *Le Réveil*, *Le Rappel* and *La Marseillaise*, but severe repressive legislation prevented them from going too far in their attacks against the government.

After the Franco-Prussian war, the Government of the National Assembly proclaimed the freedom of the press, but the conservative majority in the Assembly managed to paralyze the press all the same by taxing the paper industry heavily. At the same time, martial law was still in force in Paris and in many *départements* which gave the Government complete control over the press in these districts.

As the Republicans gained strength in the National Assembly, the press simultaneously gained more liberty. Finally the law of 1881 concerning the press was voted, which has remained till to-day the charter of liberties of the French press.

The law of 1881 lays down the principle of unrestricted freedom of the press. Anyone may found, manage and print a newspaper, providing he declares his intention and the name of the proposed newspaper to the district attorney.



A newspaper may be made criminally liable in a few cases specified by law, such as provocation to murder, insults against the President of the Republic and foreign sovereigns. Furthermore, a newspaper which is sued for libel is not allowed to produce evidence which would be detrimental to private citizens. But the newspaper may produce evidence to support a libelous statement against all civil servants, the army, the navy, jurymen and court witnesses.

Under this very liberal law anarchist papers flourished. A series of crimes fomented by this press caused the amendments of December, 1893, and July, 1894, to be introduced into the law of 1881.<sup>27</sup> These amendments were voted after the assassination of President Carnot by an Italian anarchist, and as they were directed solely against the anarchist press, they did not alter the substance of the law of 1881. Under this law the number of newspapers increased enormously. The selling price of most of them decreased to ten and then five centimes,<sup>28</sup> and their circulation increased correspondingly. At the same time the character of the press changed. The *presse d'opinion* gave way more and more to a *presse d'information*. Editorials were progressively replaced by *faits divers*.

This change was the inevitable result of the demand on the part of a much larger public of readers for news rather than political controversies, and for reports of sensational crimes rather than literary essays. As long as the circulation of newspapers was limited to an intellectual élite, good journalists were

<sup>27</sup> These laws have been called *Lois scélérates* by the parties of the extreme left.

<sup>28</sup> Two and one American cents.

recruited from literary writers. Essays, short stories, literary, artistic, and theatrical criticisms were the backbone of a good newspaper, and political controversies had to be conducted according to the literary and intellectual standards prevailing in the rest of the newspaper. The readers relished these columns of concise, logical and elegant prose, and the addition of a great writer to a newspaper's staff meant an immediate rise in its circulation.

However, this democratization of the French press has not eliminated the great qualities of the pre-1880 journalism, and even the *grands journaux quotidiens d'information* have standards of clarity and literary correctness which the journalism of many countries would do well to imitate. As to the *journaux d'opinion*, they remain both instructive and delightful to read.

Nevertheless, the French *presse d'information* is more and more extending its influence at the expense of the *presse d'opinion*, and the truth of the matter is that the news columns have more effect on French public opinion than the editorials. These are a mere reflection of the well-known political creed of a given newspaper. Those who buy a particular newspaper because they share its political creed are already converted. Those who read it in spite of a different political affiliation may want to compare the news of the day as it appears in their own paper with the interpretation of a paper representing another opinion. It is, therefore, the press of information which has the greatest influence on French public opinion.

The *grands journaux quotidiens d'information* are, first of all, the "Big Five" morning papers published in Paris: *Le Petit Parisien*, with a circulation

of one million seven hundred thousand, which is probably the largest of any daily newspaper in the world; *Le Journal*, with a circulation of one million; *Le Matin*, eight hundred thousand; *Le Petit Journal*, six hundred thousand; and *L'Écho de Paris*, two hundred thousand. *L'Écho de Paris* is the only one which claims to be both a *journal d'information* and an organ of conservative political propaganda. The four others emphatically deny affiliation with any political party or religious creed, but as profitable capitalistic enterprises they are bound to be at least moderately conservative. Their interest is to side with the majority, and since a democratic government is always supposed to represent the majority, these newspapers almost always support the government policies, even without the encouragement of government subsidies.

At any rate it is unfair, as some contemptuous people do, to call these *grands journaux*, *journaux pour concierges*. These papers have boosted their circulation by means of contests open to all their readers, which are on the level of a *concierge's* intelligence, as well as by the publication in daily installments of the cheapest sort of popular novels. Yet they often publish interesting articles signed by prominent writers; for literary prestige, especially when it reflects the glory of the *Académie française*, still goes a long way with the average Frenchman. But the amount of front-page space devoted to sensational crimes is disgraceful, and does not tend to convey a good impression of France to foreign visitors.

Paris also has three important evening papers of information: *L'Intransigeant*, which ranked first for a long time, but has of late been displaced by the

highly successful *Paris-Soir*; and the less important *Excelsior* of somewhat different character, which is owned by *Le Petit Parisien*.

The Paris *journaux d'opinion* represent the creed of all the various political groups. They sometimes reflect only the personal views of the one person who controls the newspaper. The *Action Française*, which expounds the royalist doctrine, is widely read, although more for its literary qualities than for its political shade. *L'Avenir*, *La Liberté* and *La Victoire* are other conservative papers. The radical papers are *Le Quotidien*, *L'Oeuvre* and *L'Ere nouvelle*. The paper of the socialist party is *Le Populaire*. *Le Peuple* is the paper of organized labor, and *L'Humanité* is the official paper of the communist party. Usually these papers are deeply imbued with the personality of one or two men, such as Léon Daudet and Charles Maurras of *L'Action Française*, Alexandre Millerand of *L'Avenir*, Gustave Hervé of *La Victoire*, Pierre Bertrand of *Le Quotidien*, Léon Blum of *Le Populaire*, Léon Jouhaux of *Le Peuple* and Marcel Cachin of *L'Humanité*.

Standing apart are four newspapers which, although very conservative, differ from the other *journaux d'opinion* in that they carry on their controversies with greater dignity, and do not indulge in personal polemics. *Le Temps*, which is the semi-official spokesman of the Ministry of Foreign Affairs; *Le Journal des Débats*, the oldest French newspaper, which serves every evening a dish of strongly conservative and nationalist opinions to a small *clientèle d'élite*; the brilliant and somewhat snobbish *Figaro*, and the decidedly anti-republican *Gaulois*.

Until the war the Paris newspapers did not meet

any serious competition in the provinces. The provincial public was less interested in the news items than in the controversies carried on in the Paris press by political leaders. During and after the war the demand for news became so much greater that the "regional" morning papers increased their sales at the expense of the Paris papers, which brought the same news to distant provinces many hours later. The most important of these regional papers are *La Petite Gironde*, *Le Petit Marseillais*, *Le Progrès de Lyon*, *L'Écho du Nord*, *Le Nouvelliste de Lyon*, *La Dépêche de Toulouse*, *Le Lyon Républicain*, *Le Petit Provençal*, *L'Ouest Éclair* and *La Tribune Républicaine* of St. Etienne, any one of which has a circulation that reaches the two hundred thousand mark. These papers may be very conservative, as *Le Nouvelliste de Lyon*, or radical-socialist, like *La Dépêche de Toulouse*, but their political shade is never red and the majority of them have rather conservative standards.

In addition to this regional press—the importance of which is rapidly growing—there is a local press, consisting of innumerable newspapers which have a hard time of it, owing to competition with the local editions of the regional newspapers which furnish news of a strictly local nature for each *département*. These local papers eke out a painful existence from the subsidies granted them by the local politicians who need their support.

The accusation of corruption has often been leveled at the French press.<sup>29</sup> It is true that a large

<sup>29</sup> See Robert Dell, "The Corruption of the French Press," *Current History*, November, 1931; C. J. H. Hayes, *France, a Nation of Patriots*, New York, 1930, pp. 166 ff.; the special issue of *Crapouillot*, June, 1934, devoted to a *Histoire de la presse*; Georges Boris, "The French Press," *Foreign Affairs*, January, 1935.

share of the secret funds of the Quai d'Orsay goes into subsidies to a great number of French newspapers. These subsidies, though, are usually very small and they seldom exceed ten thousand dollars a year for any one paper. Furthermore, these subsidies influence only the publication of news dealing with international affairs, but as far as internal politics are concerned the French press, even the semi-official *Le Temps*, is inclined to be almost too free in its appraisal of government activities. It should be remembered also that France is today the only major power of Continental Europe which has not succumbed to a dictatorship, with the result that, although the French press is not altogether independent, it appears as remarkably free from governmental interference when compared with the press of Germany, Italy, or Russia.

Where the French press really shows its venality is in its relationship with economic interests. The Panama Scandal, for instance, involved many newspapers which had accepted money from the Canal Company for influencing public opinion with the view to floating loans. The bond issues floated by the Russian government in France gave also an opportunity for the French press to cash in big sums of money. At the same time, individual newspapers may be more or less controlled by economic interests which own a sufficient share of the stock to dictate the editorial policy. *Le Temps*, for instance, is very much under the domination of the great steel and coal industries and the insurance companies. M. François de Wendel, the great Lorraine industrialist, is the main stockholder of *Le Journal des Débats*. M. Louis Dreyfus, the wheat magnate, controls *L'Intransigeant*. M. Prouvost of

the Roubaix-Tourcoing textile interests controls *Paris-soir*. It is a fact that most newspapers cannot live from the mere returns of their sales and commercial publicity. The needed additional income is provided by economic interests.

In 1923, a journalist named Dumay, who had been previously with *Le Petit Parisien* and knew the journalistic technique admirably, decided to create a newspaper which would be absolutely free from the influence of "the government, the political parties and groups, the economic and financial interests." Capital, of course, was needed to establish a newspaper on such a self-supporting basis. It was raised through a stock issue. Sixty thousand subscribers bought stock worth twenty-two million francs. They were recruited among the middle class, mostly the *fonctionnaires*, teachers, agents of the postal service, doctors, engineers, who were enthusiastic about this plan of ridding the press from its conspicuous corruption. Thus *Le Quotidien* was born in an atmosphere of virtuous enthusiasm.

The five leading *grands quotidiens* at once organized a boycott of the newcomer. They threatened all newspaper stands that if they sold *Le Quotidien*, they would lose their patronage. M. Bunau-Varilla, director of *Le Matin*, was particularly menacing, but his threats were not heeded and *Le Quotidien* was increasing its sales daily. The great Havas news agency, which also enjoys a quasi monopoly of newspaper publicity, joined the fight and refused to give any commercial publicity to *Le Quotidien* in spite of its increasing circulation. This step shut off an important source of revenue and Dumay, whose funds were running low, asked subsidies from the great capitalistic syndicates. This betrayal of the

confidence put in him by his humble stockholders was denounced as a scandal. Later Dumay sold his paper to M. Hennessy, a wealthy cognac manufacturer who used *Le Quotidien* to further his personal ambitions.

Another industrialist, Coty, entered the newspaper field in 1922 by purchasing the moribund *Figaro*. In 1927, Coty, who had the ambition to play a great political rôle—he was Corsican—founded his own newspaper, *L'Ami du Peuple*, which he decided to sell at ten centimes instead of the minimum post-war twenty-five centimes at which most French newspapers are sold. The five leading *grands quotidiens* intervened with the *Messageries Hachette* which enjoy the monopoly of the distribution of newspapers throughout the country, to paralyze the sale of Coty's newspaper. Coty sank millions into organizing his own distribution and sales service. He increased the sales of *L'Ami du Peuple* to eight hundred thousand, but at the cost of five hundred million francs. The depression and a divorce suit put him in financial straits and finally the *Agence Havas* was in a position to buy out *L'Ami du Peuple* for the trifling sum of three million five hundred thousand francs.

The *Agence Havas* was founded in 1835 on a very modest scale. At first it was merely an organization for translating into French articles from the foreign press for the use of French newspapers, ministries, and embassies. In 1840, it organized a news service which developed considerably after the invention of the electric telegraph. In 1856, Havas merged its organization with Bullier's commercial publicity house, a very happy combination which has contributed very much to the amazing fortune of Havas.



Lebey, who managed Havas after 1873, added to its news service a complicated array of political editorials, literary notes and even novels. To-day the *Agence Havas* plays a tremendous rôle. It transmits to the Paris press information from the provinces and to the provincial press news from Paris. The government and the various administrative agencies use this convenient channel to send their *communiqués* to the press. The *Agence Havas* not only has contracted with the great foreign news agencies such as Reuter, Wolf or Associated Press for the collecting and distributing of foreign information, but it also has a great number of foreign correspondents and clients and it is a tribute to the quality of its dispatches and the efficiency of its service that a growing number of American newspapers sign contracts with Havas.

To sum up, and although Jouvenel calls the press the "Fourth Power," its influence on French politics ought not to be exaggerated. The bulk of the French press is controlled by economic and financial interests, and yet the country is shifting slowly but steadily toward the left. The great majority of newspapers supported the conservative candidates during the legislative elections of May 1924 and May 1932; yet on these two occasions the Cartel of the Left won. The only prosperous newspapers are the *journaux d'information*. Their popularity is conditioned by the elasticity of their political creeds. In reality, the majority of the French newspapers follow rather than create public opinion. The *journaux d'opinion*, in turn, have little influence on public opinion in spite of their name. *L'Intransigeant* contributed to the short-lived Boulanger episode. *La Libre Parole* prepared the ground for the Dreyfus af-

fair. *L'Action Française* has given birth to a great quantity of doctrinal controversies. The only *journal d'opinion* which has a real influence and an important political following is the communist *Humanité*. It does not seem, though, that this newspaper owes its popularity to the quality of its editorials and to the strength of its political creed, but rather to the fact that its denunciations of all privileges have a morbid appeal on an embittered proletariat. On the whole, it may be said that it is not the political creed of the readers which is influenced by the press, but rather the choice of their newspaper which is influenced by the political creed of the readers.

#### RELIGIOUS INFLUENCE

Throughout the *Ancien Régime* there was an intimate union between the Catholic Church and the State. The much-heralded alliance between the Throne and the Altar is evidenced by such historical expressions as *Sa majesté le Roi très Chrétien*, or *La France, Fille Aînée de l'Eglise*. It was Joan of Arc who said: "Those who wage war against the holy kingdom of France wage war against Jesus himself."

The Reformation failed to disrupt this union between the Catholic Church and the French State. Henry of Bourbon ascended the throne only after he renounced his Protestant faith. "Paris is well worth going to mass!" But this close union between Church and State did not preclude the possibility of numerous conflicts. The Bourbon kings, although devout Catholics, did not let the Church encroach upon their royal prerogatives. They finally yielded to Rome on the question of gallicanism, but they in-

sisted that the clergy's loyalty to the temporal sovereign came before its obedience to the spiritual power. The royal government went even so far as to expel the Jesuits from France under Louis XV. Yet the political influence of the Church was tremendous and its wealth, amassed mostly at the expense of the peasantry, was an insult to those who prayed before a Christmas manger.

The French Revolution despoiled the Church of its property, persecuted and put to death a large number of clerics, deprived the Church of its educational function and forced the priests to take an oath of allegiance to the Republic. Bonaparte put an end to these persecutions by signing the 1801 Concordat, according to which the State was to pay salaries to the priests, but which, in turn, gave the government a voice in the appointment of bishops. The only concession to the *Ancien Régime* tradition was that the head of the state was always to be a communicant of the Roman Catholic Church. The Restoration did not change the legal status of the church. Although the return of the kings increased substantially the political influence of the Church, it was not restored its property nor its educational privileges. Throughout the nineteenth century it was only at three different periods that the Church was closely allied with a reactionary government: this occurred from 1822 to 1830, from 1849 to 1859, and from 1871 to 1875.

Naturally enough, the Catholic Church is looking back with deep regret upon the *Ancien Régime*, under which it enjoyed such a dominant position. The traditional alliance between Throne and Altar has never been completely broken. At times considerations of expediency may have brought the

Church closer to the Republican government, but at bottom the Church cherishes the secret hope of seeing the restoration of a political order which would enhance its power.

The reaction against these political ambitions of the Church grew throughout the nineteenth century before it came to the clash of the first years of the twentieth century. Those who advocated a lay state during this period can be grouped according to four different tendencies.

First there were sincere Catholics or even indifferent men who, while acknowledging the greatness of the Catholic doctrine, wanted the Church to be kept under the political control of the State. They opposed a traditional gallicanism against the rising ultramontaniam. They controlled the July government, and under the influence of Thiers and Dupin gave a liberal solution to the question of *liberté d'enseignement*. They were the natural advocates of a strict construction of the terms of the Concordat.

Then there were liberal Protestants or men inspired with the spirit of liberal Protestantism. These men disliked the Roman Catholic orthodoxy although they wanted France to remain deeply Christian. *La société de la morale chrétienne*, organized in 1825, advocated on this ground the separation between Church and State. These ideas received much impetus during the Second Empire, thanks to Laboulaye, who was a disciple of Channing and of Prévost-Paradol, a convert to Protestantism.

In a third group were the Deists. They were not equally hostile to the Catholic Church, but they were all strongly opposed to the religious intolerance

with which the Catholic Church has always been associated, and which had been the consequence of too close a union between the Church and the State.

The fourth group consisted of atheists. These were quite numerous until 1830. But the Romantic reaction made their ranks dwindle from 1830 to 1860, a period of religious revival which left men like Blanqui and Proudhon in a state of almost complete isolation. After 1861, atheism regained its strength under the influence of Renan, Taine and Littré.

The foundation of the Third Republic opened a new era of political influence for the Catholic Church. The Commune, it is true, decreed the separation between Church and State, used churches as clubs, and shot a number of priests among whom was the archbishop of Paris. But everywhere else in France the Church had gained in prestige. The patriotism of the priests during the war and the need for spiritual consolations after such great disasters enhanced the authority of the clergy. The National Assembly was both monarchic and clericalist. Even the republican bourgeoisie, which had been frightened by the Commune, came to look upon the Church as the best protector of the social order. The Church took advantage of this turn of events and campaigned actively both for a monarchic restoration in France and for a restoration of the Pope in his temporal possessions. The failure of the Monarchic movement did not placate the Church's political influence,<sup>80</sup> but left an undying

<sup>80</sup> In the summer of 1873, many deputies of the National Assembly took part in the Chartres pilgrimage and in the ceremonies conducted at Paray-le-Monial for the exaltation of the Sacred Heart. About that time a republican deputy of the left having died and asked for a civil, or non-religious, burial, a delegation

desire for revenge in the heart of all good republicans.<sup>31</sup>

The voting of the constitutional laws of 1875 so weakened the monarchists that the republicans were able to turn with all their strength against the Church. Gambetta led the struggle with undaunted energy. At the elections of February 1876, the clericalists were defeated. But the struggle was not at an end. A violent discussion took place in the Chamber in May 1877 between the Left and the Right, concerning the temporal power of the Pope, and it was this issue which ultimately led to the dissolution of the Chamber by MacMahon. Although the latter denied in his message of October 12 that the Church had any political power, in many sections of the country the Clergy took an active part in the new elections. Even Pius IX asked that prayers be offered so that God would insure favorable returns. On this basis, Littré declared that the sixteenth of May had not been a royalist *coup d'état* but a clericalist *coup d'état*. But the anticlericalists won again.

Yet the civil service, the army and the navy were filled with clericalists whose position was strengthened by the fact that the Senate had a clericalist majority. Only in 1879, when senatorial elections gave the majority in the Upper House to the republicans, could the Government force upon MacMahon the revocation of some of the clericalists which held the highest positions in the *magistra-*

from the National Assembly left the funeral procession when they found out that the bier was not being taken to church. See Georges Weil, *Histoire de l'idée laïque en France au 19<sup>ème</sup> siècle*, Paris, 1929, p. 224.

<sup>31</sup> As a result, a number of distinguished republican Catholics embraced the Protestant faith at that time.

ture and in the army. In desperation, MacMahon resigned and the election of Jules Grévy was heralded as a new victory of the anticlericalists.

The anticlericalists felt, however, that they were not strong enough to tackle the problem of the disestablishment of the Church. They concentrated their efforts on minor reforms. After 1879, Catholic public processions were progressively prohibited by republican *préfets*. In 1880, The Society of Jesus was dissolved. In 1882, religious instruction in the public schools was abolished and in 1886 priests were forbidden to teach in these schools, thus laying down the principle of the lay school dear to all true republicans.

A new fight was provoked by the military law of July 9, 1889, which made the students for priesthood liable to military service. It was at the time of the Boulanger movement, and the clericalists were hoping for a change. But at the elections of 1889 they were defeated once more.

At this juncture, many French Catholics felt the hopelessness of their resistance to the Republic and realized that it was better to accept the new régime and to coöperate with it. Leo XIII urged the French Catholics to follow a policy of conciliation with the Republican régime. Many republicans were also in favor of a more conciliatory attitude toward the Church. This did not prevent the most conservative Catholics and the radical republicans from coming to blows on several occasions.

This period of relative appeasement came to an end at the time of the Dreyfus affair. On this occasion, the Church aligned itself once more with the royalists, militarists and anti-Semites. Clémenceau and Zola denounced the danger of active interfer-

ence on the part of the Clergy with politics. For several years the battle between the Republicans and their enemies raged. Once more the Republicans triumphed, but this time they were determined to placate the Church once and for all.

The Associations Act of 1901 voted under Waldeck-Rousseau submitted all religious congregations of monks and nuns to the necessity of an authorization which could be given only by Parliament. Most congregations applied at once for such an authorization, which Parliament refused en masse. Yet all of the very numerous congregations then in existence were not dissolved. Those performing charitable tasks were kept. The property of the congregations which were dissolved was confiscated and liquidated by judiciary officers. The justification proposed for such confiscation was that these properties had been the result of innumerable donations and could thus be regarded as public property.

The Associations Act also forbade any religious congregation to maintain a school or to engage in teaching.

The elections of 1902 were fought on the issue of anticlericalism. The radical-socialists won and the new President of the Council, Combes, has remained the symbol of anticlericalism. The law of 1901 was rigorously enforced and the *fonctionnaires*, especially the army officers, were harrowed when they were suspected of clericalism. In 1904, the Government severed diplomatic relations with the Vatican. Finally, the Separation Act of December 9, 1905, abrogated the 1801 Concordat.

The Separation Act severed all official ties between the Church and the State. The bishops and priests were not classified any more as *fonctionnaires*.



They no longer received a salary from the State, which, in turn, had no voice in the appointment of bishops. It confiscated and transferred to public and state institutions all Church property not used for charitable purposes. The Act also gave the Government the right to investigate at any time the finances of the Church and forbade the Church to accept bequests, allowing only gifts in the form of collections and pew rent. Although the State was given the property of the church buildings, their use by the Church was permitted, provided that the material problems raised by the administration of these buildings would be managed by "associations of worship" which were almost wholly free from control by the clergy.

The Pope forbade French Catholics to form associations which were contrary to Catholic discipline. The French Parliament yielded on this point and abandoned its extreme position through the amendment of January 2, 1907.

Strangely enough, the result of these anticlericalist enactments has been to strengthen the position of the Church.<sup>32</sup> The confiscation of Church property forces the Catholic clergy to live in extreme poverty. The French people know that priesthood is no longer an easy path to social position and material comfort, but requires a disinterestedness which can only be the result of religious convictions. The heroic part taken by Catholic priests and laymen in the war, the deep patriotic feeling which caused many of the monks who had been expelled from France after 1901 to come back in 1914 to do their military duty has had much popular appeal. As a

<sup>32</sup> See Mgr. Gibier, *La France catholique organisée*, Paris, 1925, p. 325.

result, diplomatic relations between the French Government and the Vatican were formally resumed in 1921. A national holiday was declared on the second Sunday of May in honor of Joan of Arc who had been canonized in May 1920. Members of congregations have returned in considerable numbers during and after the war, and they have not been molested by the government. Parliament even decided to make a restitution of property to congregations established to train Catholic missionaries in foreign countries. Pius XI authorized the formation of "associations of worship" for the administration of church buildings.

A short-lived anticlericalist movement was initiated when the radical socialist Herriot came to power after the elections of May 1924, which had meant the victory of the Cartel of the Left. Herriot announced his intention of enforcing the Associations Act, to call back the French Ambassador to the Vatican, and to introduce lay legislation in Alsace-Lorraine, which was still under the Concordat régime. But popular opposition caused the defeat of this program, and this alone is an evidence of the fact that the Church in France cannot be regarded any more as a menace to the Republican régime.

In 1926, Pius XI completed the task of reconciliation between the Church and the Republic initiated by Leo XIII by excommunicating the *Action Française* group, thus breaking the last ties between the Throne and the Altar. The rather flimsy pretext of this condemnation was that Charles Maurras who is the great leader of the *Action Française* is an acknowledged agnostic. It is not difficult to understand under these conditions that the Archbishop of

Paris himself officiated at the funeral of Briand who had been the reporter of the Law of Separation.

The parties of the left, however, still count a great many die-hard anticlericalists. These men fail to realize that anticlericalism, which was a necessity thirty years ago, has now outlived its usefulness. But anticlericalism to these politicians was an easy platform which they are reluctant to give up.

Although the Church no longer constitutes a political menace, it represents at least a real, if not very powerful, political influence. There are no reliable statistics of the actual number of communicants of the Catholic Church. The estimates vary from twenty-eight to thirty-six million Catholics out of a total French population of forty millions. But a relatively small proportion of them are *catholiques pratiquants*. The great majority of French Catholics call the priest for weddings and funerals and throng the churches for the principal services of Christmas and Easter Day but their religion is strictly conventional. As one Frenchman said: "*Je suis athée, mais naturellement, je suis catholique.*"<sup>83</sup>

This large Catholic population is shepherded by some thirty-two thousand priests under seventeen archbishops and seventy bishops. There is also a considerable, although indefinite, number of monks and nuns and a large number of laymen and women devoted to strengthening the Catholic faith in France.

A strictly Catholic newspaper, *La Croix*, published in Paris with many local editions, has a wide circulation. Other newspapers, like *Le Figaro*, *l'Écho*

<sup>83</sup> It would seem inconsistent with this prevailing indifference that there are still some sixteen thousand French Catholic missionaries abroad, or more than half the total number supplied by all the countries of the world.

*de Paris*, *Le Gaulois*, *Le Journal des Débats*, although not avowedly Catholic, defend the Catholic interests.

There are also in France, outside Alsace-Lorraine, some 12,000 elementary schools with an attendance of 767,000 children, as well as a large number of secondary schools with an attendance of 80,000 boys and 100,000 girls. They compete, however, with difficulty with the State school, the resources and the teaching staffs of which they cannot match. Higher learning is also given in a small number of Catholic "Institutes" which, although they cannot confer degrees, have altogether between three thousand and four thousand students.

The Catholic Church has also organized a great number of very active associations as well as Congresses (*Semaines sociales*) which meet for a whole week every year in some city, and which are attended by Catholic intellectuals and labor leaders.

This influence of the Catholic Church, which cannot be minimized, seldom takes a political form. It is mostly spiritual and, what is more interesting, social. The social Catholic movement was inaugurated by two army officers, the Marquis de La Tour du Pin and Count Albert de Mun. Instead of emphasizing the class struggle like the Marxian Socialists, they sought *la fusion des classes* through the establishment of a corporative state. This movement was spurred by Leo XIII's Encyclic *Rerum Novarum* of 1891 which recognized its conformity with the Catholic doctrine. Pius X was a staunch traditionalist and showed a growing hostility toward the Christian socialists. He finally condemned their most important group, the *Sillon* of Marc Sangnier, in 1910. Although Sangnier submitted to the Pope's

condemnation, his group is still very active and publishes a weekly, *La Jeune République*.<sup>84</sup>

Although there are probably no more than one million Protestants in France, they represent an influence which is far disproportionate with their actual numbers. As all minorities, French Protestants stick together with the utmost solidarity, and are forever trying to do each other a good turn, while the great mass of Catholics are either indifferent or hostile to each other. The result is that the Protestants hold more than their share of the higher governmental positions.

The Revocation of the Edict of Nantes is usually regarded as a grave mistake. Many, however, think that this measure, which entailed great economic losses, had the advantage of ridding France of a powerful group of dissenters who would have interfered with the unification of the country. The Protestants who remained in France suffered persecutions throughout the *Ancien Régime* until Louis XVI passed the Edict of Toleration in 1787, under the influence of La Fayette who had been converted to the principle of religious freedom by his stay in America. Napoleon applied to the Protestants the same treatment enjoyed by the Catholics under the Concordat. In reality, and until the eighties, the French Protestants still suffered from many disabilities.

The Law of Separation was applied to the Protestant churches, and although this entailed for them serious financial losses, the anticlericalist wave responsible for this law benefited the French

<sup>84</sup> See Georges Weill, *Histoire du Catholicisme libéral en France, 1828-1908*, Paris, 1909; G. Pirou, *Les doctrines économiques en France depuis 1870*, Paris, 1930, pp. 179ff.

Protestants, as it was directed against their worst enemy, the Catholic Church.

The French Protestants have been, since the very outset, strong supporters of the republican régime, as it was the only régime which would give them this liberty and equality with other sects which a Protestant, Rousseau, was so instrumental in introducing into the French democratic philosophy.

French Protestants as a group have little influence on French political life, but as individuals they play a considerable part in it. It is interesting to notice that, in a country in which there is such an overwhelming Catholic majority, a Protestant, M. Doumergue, should have been President of the Republic. It is true that Necker, Benjamin Constant, and Guizot were also Protestants. In the parliamentary annals of the Third Republic one should mention, besides Doumergue, such Protestants as Freycinet, Jules Siegfried, Jules Steeg, Ferdinand Buisson. In the magistrature, the *Conseil d'État*, the Universities, the Protestants have much influence too.

The Jews in France are a very small minority. They were expelled by Philip IV in 1306, but the annexation of Alsace reincorporated a number of Jews into the country, to which were added later some Portuguese and Spanish Jews.

Until the Revolution, French Jews were treated as outlaws and it was only in 1791 that a decree granted them the same civil rights as were enjoyed by other French citizens. In 1831, Louis-Philippe recognized Judaism as a religion on an equal footing with Catholicism and Protestantism, and the Concordat treatment was applied to Jew-

ish synagogues and Rabbis. The Separation Law of 1905 also applied to the Jewish religion.

There are now some one hundred and sixty-five thousand Jews in metropolitan France. Most of them, about one hundred thousand, interestingly enough, reside in Paris,<sup>35</sup> and half of the remainder live in Alsace. The resulting scarcity of Jews throughout the French province is certainly responsible for the almost complete indifference of the average Frenchman toward the Semitic problem. This problem, however, is brewing under the surface and anti-Semitism has had sudden and violent explosions in the past.<sup>36</sup>

The Dreyfus episode particularly shows that some sections of the French may be worked up to crusading fervor by a clever anti-Semitic propaganda.

The fact is that, as in the case of French Protestants, or of Jews in other countries, French Jews play a rôle which is not proportionate to their small numbers. The fact that a majority of them lives in Paris shows that they content themselves only with leading positions. The Jews play, of course, a prominent part in banking and in the legal profession. They hold also many positions in the Universities. Since Hitler's rise to power, France has received more Jewish refugees from Germany than did any other country. Many of them belong to the professions, and at a time when France is suffering from a great overproduction of lawyers and doctors, many Frenchmen do not welcome this influx of competitors, especially as these refugees

<sup>35</sup> Just as a majority of American Jews live in New York.

<sup>36</sup> Bernard Lazare, *L'Antisémitisme, son histoire et ses causes*, Paris, 1934, 2 vols.

have not always shown the proper tact toward their benefactors.

It is also a fact that in France, as in most other countries, there are many Jews among the leaders of radicalism. Léon Blum, for instance, the leader of the French socialist party is a Jew, but the great majority of the Jews in politics have been anti-clericalist radical-socialists.

It is even more unfortunate for the Jewish cause that the two great financial scandals of 1934 were engineered by Jews, Stavisky and Levy. All these facts are being played upon by the nationalists, as the *Action Française* group, and a fascist movement might well lead to a wave of anti-Semitism. This would be unfair to the great majority of French Jews, who have been very largely gallicized and have numbered many heroes during the World War.

Although Freemasonry is not a religion, strictly speaking, the fact that it propagates a philosophy of life which the Catholic Church has condemned, gives French Freemasonry a sectarian significance. Protestants and Jews may be Freemasons, but no Catholic may enter a *Loge* without renouncing his faith. This makes of French Freemasonry a stronghold of anticlericalism. The fact also that Freemasonry is a secret organization enables the Masons to play a political rôle out of proportion to their numerical importance.

There are about 60,000 Freemasons in France, owing allegiance to either one of two main conflicting organizations, *Le Grand Orient* with a membership of 44,000 and *La Grande Loge* with a membership of 13,000.

The Freemason creed is the eighteenth century philosophy which inspired the French Revolution.



Many of the Jacobins were Masons and French Freemasonry has represented to this day the Jacobin ideal of political democracy tinged with nationalism. The Masons' anticlericalism also savors of the Revolutionary tradition.

Throughout the nineteenth century the Masons have been the leaders in the struggle against the Catholic Church, the monarchic traditions, the influence of financiers and of militarists. They contributed much to the establishment of the Third Republic and to its slow and yet steady democratization. For this they deserve much credit. But since the rise to power of the radical-socialists, French Freemasonry has lost most of its usefulness as a fighting organization. Instead, it has unfortunately grown into an association for the allotment of spoils and this explains its growing unpopularity.

#### THE FRENCH ARMY AND POLITICS

In the course of French history, the army has more than once played an important part in politics. Its support made possible the establishment and maintenance for many years of the two Napoleonic dictatorships. The MacMahon abortive coup d'état in 1877, the Boulanger episode in 1890, the Dreyfus case in the late nineties show that the army has not been a negligible factor in the political life of the Third Republic.

It seems natural that it should be so, as the French army is a powerful organization endowed with traditions going back to the *Ancien Régime*, and enjoying, within the Republic, a great deal of autonomy. If such a powerful machine were to move against the Government, it would crush it at one stroke.

Immediately after the war of 1870, the great bulk of the French army officers were either royalist or Bonapartist as well as clericalist. A monarchic restoration would have won their enthusiastic support. If they failed, however, to play a very active rôle in the political struggles of the first thirty years of the Republic, it was mostly because the fear of a new German invasion, as well as their desire for revenge, placed their military duty ahead of their political interests. The Boulanger episode hardly distracted them from their painstaking efforts at building a first-rate military force. The Dreyfus case and the system of denunciations initiated by General André against clericalist officers caused unrest in the army and shook the discipline. The sense of duty of many Catholic officers was further tried when the army was called upon to enforce the law confiscating Church property. But somehow French officers as a group remained faithfully attached to their duty and loyal to a political régime which many of them dislike. "All praise is due to these men who, through years of opposition, had so high a sense of duty that they went doggedly on serving their patriotic ideal, at the cost of great self-abnegation."<sup>37</sup>

The war enhanced the prestige of the army. The hard test of the front led to the elimination of many incapable officers who had secured promotion, during peace, through political influence. At the end of the war, many of the most important commands were held by men who were devout Catholics like Marshal Foch or aristocrats of the *Ancien Régime* tradition like General de Castelnau.<sup>38</sup>

<sup>37</sup> Brigadier General E. L. Spears, *Liaison, 1914*, London, 1930, p. 28.

<sup>38</sup> Who on this account was never made a Marshal.

None of these men, once the war was over, took advantage of their immense popularity to play a political rôle. Of late years, army men like General Weygand have at times been looked upon by suspicious republicans as cherishing dictatorial ambitions. But there is nothing to substantiate this fear.

The French army, it must be pointed out, is an army of conscripts who fairly reflect the deep attachment of the mass of Frenchmen for their democratic institutions. Even if a majority of officers were in favor of a coup d'état, it is unlikely that their men would follow them against the present Government.

## CHAPTER VI

### THE PRESENT DIFFICULTIES AND THE FUTURE OF THE FRENCH PARLIAMEN- TARY SYSTEM

THE history of the French parliamentary system is a long account of a ceaseless struggle between two Frances: authoritarian France and democratic France. The sixteenth of May, the Boulanger failure, the Dreyfus affair, the Congregations Act and the Separation Law were so many victories for the democratic forces; but when the war broke out, the battle for democracy had not yet been won—there were still as many vestiges of the *Ancien Régime* as there were newly born privileges.

In spite of all its defects parliamentary France won the war against the strongly governed Central Empires. The victory gave the Republican régime a prestige which the amazing economic and financial

recovery of the post-war period enhanced still further. In the years 1929-1930 the Third Republic was at the zenith of its power.

Meanwhile, democracy was being shaken throughout Continental Europe by the diverging forces of communism and fascism. Kerensky's attempt to set up a parliamentary government in Russia proved futile. The dictatorships established by Mussolini, Primo de Rivera, Pilsudski, Alexander of Yugoslavia, and Hitler have left France the only major Continental power still adhering to the democratic ideal. But the question is: Is French democracy so strongly established that it can withstand the disruptive forces which aim at its destruction?

Since the last elections of May 1932 eight different cabinets have been successively in power. Although ministerial instability is not new in French politics, there has been under the present legislature a greater turnover of ministers than usual. A growing number of Frenchmen complain of governmental anarchy; and the riots of February 1934, the growing restlessness of the fascist and communist groups, the general demand for a thorough house-cleaning, all point to an unprecedented crisis.

An understanding of the present political tangle requires a consideration of the elections of May 1932, at which the present Chamber of Deputies was elected. These elections meant the triumph of the left parties who had organized a coalition known as the Cartel of the Left, which was essentially an alliance between the socialists and radical-socialists. But these two parties had entered into a compact only for the period of the electoral campaign, so that, with their forces joined, they could win a

greater number of seats from the conservatives. As soon as the Chamber convened, the compact was broken. This was to be expected. The radical-socialists, who represent the liberal ideal of the French Revolution held by a large section of the middle class and peasantry, could not agree upon a common program with the socialists, who advocate such Marxian reforms as state control of industry. As a result, the half-dozen radical-socialist prime ministers who came to power from May 1931 to February 1934 had to govern by granting concessions to the conservatives who never gave them more than a half-hearted support because of their electoral flirtations with the socialists. In other words, whereas the Chamber elected in 1928 had a clean-cut conservative majority, the Chamber elected in 1932 had no stable left majority and, at times, the radical-socialist premiers have been obliged to lean both on the socialists and on some of the conservative groups.

Under such conditions cabinets were repeatedly overthrown. As long as the cabinet has a mere controlling function, this ministerial instability, although greater than usual, should not imperil the state. This time, however, cabinet instability was fatal because it came at a time of serious economic difficulties. The depression had cut a growing deficit in the budget and no Cabinet found itself strong enough to force upon the conflicting groups in Parliament the taxes and economy measures needed to offset a seven-billion-franc deficit.

Although the French "boulevard life" often has an atmosphere of excitement and even of frivolity, French people are very serious minded where the management of their economic interests is concerned. The French will work hard to balance their family

budget and to put aside a surplus for investment in conservative savings banks. With such a make-up, the average Frenchman cannot fail to resent the lavish expenditures of the Government. Imaginative Parliamentary committees devise innumerable ways to tax him, and with great reluctance he sees his hard-won earnings go into the Treasury. It is with considerable resentment that he watches them melt thence into what the French call the "butter plate"; the more so since he always feels he gets no share of the butter.

In other fields, too, the radical-socialist ministries showed weakness. Especially in the summer of 1933, disturbances took place which were interpreted by a large portion of the public as evidence of the Government's impotence.

In August, two strikes of grave character occurred. The captains, who were also the owners of horse-drawn river barges, were unable to compete with the motor barges. Accordingly, they asked for the abolition of all the privileges enjoyed by the latter, such as the right of precedence in passing through locks. To give more strength to their demand, they systematically obstructed all waterways, which was going far beyond the right to strike. The Government had to summon navy tugs to put an end to the disturbance. In Strasbourg, the Government had much difficulty in putting down an ordinary strike caused by wage cuts in the building trades, which degenerated into a general strike of a political character. It seems probable that the labor unions received tacit encouragement from the municipality, whose mayor, M. Hueber, owed his appointment to a very unholy coalition between the communists and the Catholics. Worst of all was the scandal

caused by the public-school teachers. At their annual meeting in Paris at the beginning of August, they decided by an almost unanimous vote that in case of a threat of war, even if that war assumed a purely defensive character, they would join their efforts toward bringing about a general strike to paralyze the nation's defense. In France, public-school teachers are state officials and this lent much gravity to their attitude. But the Government was undisturbed; and it was only six weeks after the vote that Minister of Education De Monzie sent a mild note to the supervisors of education in each *département* urging them to impose penalties on teachers proving guilty of unpatriotic teaching. It is to be feared that this order will not be carried out, since the Minister's note itself mentions a previous instance in which the *départements'* supervisors "feared to know what they did not wish to repress." In fact, public-school teachers in France are powerful electoral agents, and M. De Monzie's note might well have worse consequences for the *départements'* supervisors than for their subordinates.

The Daladier government presented to Parliament in October 1933 a long and carefully drafted bill calling for increased taxation and for decreased expenditures. The main economy measure proposed by the bill was a minimum six per cent cut in the salaries of all government officials. The socialists were strongly opposed to this measure and, instead, advocated inflation to solve the problem. They voted against the bill, thus causing the overthrow of the Daladier Cabinet on October 24.

Another radical-socialist, Sarraut, was intrusted with the task of heading a new cabinet. He was over-

thrown on the same issue as Daladier on November 24.

At that time the socialists became aware of the seriousness of the situation. They realized that their negative policy of systematic obstruction against the financial bill introduced by the radical-socialists might lead to disturbances. On December 8, they decided not to take part in voting on the budget.

This abstention enabled Chautemps to get through Parliament some financial reforms, but before a month had elapsed the Stavisky scandal exploded like a bombshell. A member of the Chautemps Cabinet, the Minister of Colonies Dalimier, was mixed in the scandal and, after some bickering, the whole Cabinet was forced to resign on January 27, 1934.

Yet the political situation at the beginning of 1934 was not any worse than in the most tragic stage of the battle of the franc in July 1926. Like the elections of 1932, those held in 1924 had meant a sweeping victory of the left parties through the same electoral compact between the socialists and the radical-socialists. Here, too, the compact had been broken as soon as the Chamber met. The resulting cabinet instability made it impossible for any of the successive radical-socialist premiers to impose the financial reforms needed to balance the budget and to stabilize the currency. In July 1926 the franc had crumbled to two cents, causing the immediate overthrow of the radical-socialist Herriot Ministry. At this juncture a truce was declared between the left and the right and Poincaré was asked to head a coalition cabinet. He succeeded in holding in check a hostile radical majority and in stabilizing the franc at four cents.

When the Chautemps Cabinet fell in January 1934



another Poincaré was needed, but no strong man could be found. Daladier was selected once more as premier. His quiet and silent way, most unusual in French Parliament, had won him the reputation of being the strong man in the French radical-socialist party. He promised that full light would be made in the Stavisky affair. The inquiry disclosed that several politicians and high officials were compromised in the swindle. There was nothing, though, to indicate that parliamentary corruption had assumed abnormal proportions. The Panama scandal in the nineties had certainly cast suspicion on a much greater number of politicians than the Stavisky affair. What lends greater gravity to the latter scandal is that it seemed to reveal lower standards of honesty among the *fonctionnaires*. Nevertheless, the anti-parliamentary wave which has engulfed three-fourths of the Western world has made it a fashion, even in France, to blame everything on the parliamentary system. Political manifestations staged by the *Action Française* were coped with so leniently by the Paris police that the Prefect of Police, Chiappe, was dismissed. This roused the fury of all reactionaries. Parades of protest against the government were staged by war veterans' organizations on the sixth of February. What happened then will never be exactly ascertained, but clashes occurred between the paraders and the police. Shots were fired and a score of men were killed.<sup>1</sup>

<sup>1</sup>The radical-socialists in Daladier's Cabinet accused the *Action Française* and the *Croix de Feu* of having attempted a fascist coup d'état on the sixth of February. But the *Croix de Feu* denied the accusation. Their official paper, *Le Flambeau*, in its March 1934 issue, accuses the Daladier Cabinet of having attempted to set up a dictatorship on that tragic day under the instigation of the Minister of the Interior Frot. Such is also the

The mob clamored for Daladier's resignation under the pretext that his government had given the order to fire on the Parisians. This accusation was later disproved before the committee appointed to investigate the matter, but Daladier felt it his duty to yield to the popular demand so as to avoid further bloodshed.

Doumergue, who was living in retirement in the south of France, was summoned by President Lebrun to head a new cabinet. This cabinet, organized on the pattern of the Poincaré Ministry of National Union in 1926, was called a "truce" cabinet. The very word truce indicated that the era of political difficulties was not over.

Doumergue is very much loved by the French people because of his genial smile, and very much respected by all parties because of his honesty. But the task he had assumed was stupendous for a man of seventy-three, and it was not made any easier by the dissensions between the various parties. Under him a temporary "rapprochement" took place between the radical-socialists and the parties of the right. This "rapprochement" found its symbol in the presence in the same Cabinet of such political adversaries as Herriot and Tardieu. In reality the situation was not as clear cut as under Poincaré. The Chautemps-Tardieu dispute last July, when each man accused the other of having received money from Stavisky, showed the fragility of this truce be-

thesis defended by Philippe Henriot, deputy from Gironde, in his book *Le 6 février*, Paris, 1934. It seems certain that a great number of those who were massed on the Place de la Concorde on the evening of February 6 were there as mere observers. Some of them were drawn into the fight by the brutality of the police.

tween the left and the right—a fragility further evidenced by the recent Blois and Dijon elections.<sup>2</sup>

Meanwhile, Doumergue tried to force upon Parliament some constitutional amendments.<sup>3</sup>

First of all, he advocated a strengthening of the executive power. Under this amendment the President of the Council, who is not even granted legal existence by the constitution, would be given prerogatives which would put him very much in the same position as the British prime minister. He especially would have the right to dissolve the Chamber of Deputies with the assent of the President of the Republic. It is true that the French President was granted, by the Constitution of 1875, the right to dissolve the Chamber, but he cannot exercise this privilege without the assent of the Senate, and it is always inconceivable that the Senate give this assent. There is an unwritten law in French Parliament according to which, through a human feeling of rivalry, the Senate and the Chamber are always moving in opposite directions, and when the Chamber turns more radical the Senate becomes more moderate, and vice versa. For instance, the Chamber elected in 1932 has been more radical than the previous one, but the Senate in turn has grown more conservative. If any of the Radical-Socialist premiers that France has had until February 1934 had asked for dissolution it would have been with the hope of strengthening his own party—a goal that a more conservative Senate could hardly consent to facilitate by granting the dissolution.

<sup>2</sup> See above, p. 486.

<sup>3</sup> Maurice Ordinaire, *La révision de la constitution*, with a Preface by Gaston Doumergue, Paris, 1932. Cf. André Tardieu, *L'heure de la décision*, Paris, 1934. Alexandre Israël, *La dissolution, pourquoi, comment?* Paris, 1934.

M. Doumergue claims that dissolution of Parliament has worked in Great Britain very satisfactorily. To him, dissolution in France would provide a much-needed safety valve in case of a hopeless political tangle like the one resulting from the elections of 1932. At the same time, fear of being sent home would make the French deputies less eager to overthrow cabinets on unimportant issues.

Another important amendment advocated by M. Doumergue is also borrowed from the British Constitution. It aims at depriving the French Parliament of the right to initiate new expenditures. The government alone would henceforth have the privilege of proposing new appropriations, which Parliament would be asked to pass upon. It is intended through this reform to facilitate the balancing of the budget by preventing the deputies and senators from spending the government's money to win the favor of the electors.

It is an easy procedure to amend the French Constitution. It only requires a favorable vote taken by the Senate and the Chamber meeting jointly as a national assembly; only an absolute majority is required.

It seems likely that Doumergue would have got these amendments through Parliament if he had not waited so long. The February riots had scared Parliament to such an extent that it would probably have yielded to Doumergue's demand. In the fall of 1934 the situation was different. The radical-socialists, encouraged by their victory at the cantonal elections held in September, refused to assent to a curtailment of Parliament's prerogatives. The radical-socialists seem justified in their claim that Doumergue's proposals would have meant a weaken-

ing of democracy. But, if the Senate is to retain its right of assenting to the Chamber's dissolution, it should change its stubbornly hostile attitude against such measure and get rid of the complex, held from MacMahon's time, that dissolution is synonymous with a reactionary coup d'état.

On November 8, Doumergue resigned and, although many expected new disturbances at this juncture, the whole country, realizing the seriousness of the situation, remained absolutely quiet, and a new cabinet was promptly organized by M. Flandin, who took with him most of M. Doumergue's subordinates.

When M. Flandin met Parliament he told the deputies that "he was their last chance." This is an indication of the seriousness of the present French political crisis. French democracy is being challenged by two growing dangers, communism and fascism. Although it is a difficult task to forecast the future, an analysis of the facts in the case and a comparison with recent developments in other countries will help in throwing some light on this momentous issue.

Karl Marx would doubtless mark out France as the country of continental Europe which is the least ripe for the overthrow of the capitalist system. Class struggle in France has not reached the acute stage which, combined with other elements, has precipitated a dictatorship in most other European countries, be it a dictatorship of the left or of the right. For France is, economically and socially speaking, a country without extremes. It is a country in which capitalism has not undergone abnormal growth as in Germany; it is a country which has not the pauperism of Italy. Although the concentration of capital is growing, although France has an increasing number of industrial and financial magnates whose power

behind the throne is a threat to the ulterior stability of the country, her wealth so far has been distributed in such an even way as to prevent dangerous economic maladjustments. The result is that the French middle class does not stand out in sharp contrast with either the working proletariat or the great bourgeoisie. As soon as a worker fulfills his life ambition to buy a small plot of land on which to build a modest shack, he becomes a *petit bourgeois*. At the other end of the scale most of the *grands bourgeois* have maintained the middle-class tradition of thrift and economy. Their ways of life are not an insulting contrast to the more modest standards of the lower social strata.

Yet the symptoms of a changing order are growing. The easy profits of the war and postwar periods, extravagant speculative gains in the prosperity years, have shaken the bourgeois ideal of slowly amassed and safely guarded wealth. With the steady advance of machinism, wealth has assumed, on the other hand, a more ostentatious form. To the previous generation wealth meant an old-fashioned and yet comfortable bourgeois house, an immense kitchen with shining brass pots, a cellar well furnished with orderly rows of dusty bottles, a valuable library and perhaps some paintings by reputed masters—what Anglo-Saxon people would call the Victorian way of life. Wealth to-day means more and more the shining chromium plate of torpedo-like automobiles, and the noisy eructations of costly radios. Refined dinners at home are giving way to the artificial glamour of the *grand boulevards* restaurants. Intellectual conversations before a goblet of cognac are being replaced by jazz dancing. This cheap glamour rouses the envy of the masses; this new infection may prove

dangerous, as the French worship equality far more than liberty.

Socialism is advancing, slowly but steadily, even among the propertied peasants. The coöperative movement in agriculture is making amazing progress with the support of the socialists. Voluntary co-operation may be the first step toward compulsory collectivism. Marx's prophecies will not be fulfilled so soon. Yet the *grand jour*, as the French revolutionary syndicalists say, seems to be steadily approaching.

Communism, though, cannot be regarded as an immediate danger but it may prove a sufficient menace to lead to a fascist reaction as was the case in Italy and in Germany. Communism cannot appear thus as a danger by itself but as a danger only to the extent to which it may become a potent factor of fascism. Fascism, therefore, is the most immediate menace for the French parliamentary system and it is why it requires a close analysis.

The usual assumption is that fascism is a middle-class movement which developed in the postwar period as a reaction against both monopoly capitalism and extreme radicalism. The fast economic progress of modern Europe throughout the nineteenth century led to the rise of a large middle class of small business men, of professional men and white-collar employees very conservative in their political and social outlook. Endowed with qualities of thrift and economy, they were content to lead a mediocre life between the working masses that they despised with all their *petit bourgeois* pride and the leaders of big finance and monopoly industries whose abuses they ignored, blinded as they were by the tales of a subsidized press. These *petit bourgeois* elements fought

valiantly in the Great War, unaware that the conflict had been to a great extent the inevitable culmination of the imperialistic policies for which international capitalism bears so much responsibility. The middle class of Italy, Germany, and France fought a four-year battle for the sake of the international leaders of big finance and industrial trusts. Those who emerged alive from the fight found their reward in the financial catastrophes which resulted from the postwar inflation in those three countries. It is a well-known fact that this inflation enriched the industrialists at the expense of the middle class whose savings were completely wiped out in Germany, wiped out to the extent of four-fifths in France and of three-fourths in Italy. Moreover, in this period of rising prices the middle class suffered in another way because its income consisting of fixed rents and salaries always lagged behind the rising price level. Then, in the whole Western world, triumphant capitalism went ahead at a terrific speed with the large-scale use of improved machinery, with mass production, with high-pressure salesmanship, on domestic and foreign markets, but without bothering in the least about the fundamental problem of keeping consumption on the same level as production. The resulting world-wide depression not only led to mass unemployment among the working class, but also, and with the most tragic gravity, among the white-collar employees, the professional men, and the graduates from technical schools and universities.

All these war-time and postwar factors have gradually awakened a middle-class consciousness which scorns the tyranny of the *grand bourgeois* in control of big finance and international trusts.



Whereas, before the war, the middle class assumed significance only as a social group, it appeared after the war as a third class, from both an economic and a political point of view, a class in opposition to both the domination of capital and the organized working class.

Although sporadic fascist movements developed in other countries before Italy, notably in Finland, Hungary and Poland, it was in Italy that a middle-class movement first succeeded in elaborating a complete political and social system which has been given the name of Fascism.

After the war, Italy went through a period of internal strife which was really the beginning of a proletarian revolution. Capitalism in Italy had not gone so far, however, as in England or even in France. But in Russia, too, the capitalist system had been overthrown in October 1917 in spite of its backwardness. Other factors as the weakness of the Russian bourgeoisie, the corruption of the czarist régime, and the revolutionary training of the industrial proletariat had precipitated what, according to a *prima facie* study of Marx, did not yet seem "inevitable." In Italy it was the large agricultural proletariat, the poverty-stricken peasantry which joined their forces with the industrial workers who, if few in number, were violent in spirit. At this juncture the socialist party, which had gone so far as to order the "occupation" of many industrial plants by the workers, might have capitalized the growing discontent of the middle class to overthrow the bourgeois political régime and the capitalist control of the means of production in the peninsula. Nothing of the sort happened and the main reason for this failure was

the lack of decisive revolutionary leadership and the internal dissensions which broke the strength of the radical elements. On the contrary the middle class found an incomparable leader in Mussolini who, after the March on Rome, took power at the end of 1922.

In Germany the process, although slower, was fundamentally the same. There the proletarian revolution actually succeeded in 1919, but the social-democrats who came to power and organized the German republic were mild socialists of the reformist variety who went about reforming the capitalist system rather than overthrow it altogether. The middle class which was suffering tremendously from the postwar economic readjustment blamed all their miseries on the social-democrats and on their policy of concessions to the Allies. Then, as in Italy, the dissatisfied middle class found the leadership which the radical elements were lacking. Hitler won not only the support of a large part of the industrial proletariat by promising social reforms but financial help from the capitalists who saw in Nazism the best defense against communism. Yet the nucleus of the Nazi movement consisted of *petit bourgeois* elements. In aggravating the economic suffering of the middle class, the world depression gave unexpected strength to Hitler and this ultimately led to the triumph of the national-socialists two years ago.

Nevertheless, it is reasonable to think that fascism could have been averted in both Italy and Germany if the governments in power in the two countries had shown sufficient strength in the negative function of maintaining public order as well as in the positive rôle of improving the economic conditions which

made possible the rapid spreading of the fascist infection. In Italy the old-fashioned parliamentary system under Nitti, Giolitti, Bonomi and Facta proved completely inadequate. It failed to prevent labor outbreaks and to prepare a policy of economic reconstruction for the peninsula. It seems, indeed, on the basis of reliable evidence, that the fear of communism went so far that these cabinets gave almost open support to the fascist movement. The spectacular "March on Rome" was staged in complete accord with the authorities, Mussolini traveling down to Rome in a comfortable government-chartered sleeping car. In Germany the weakness of the social-democrats did not show in their social reforms alone; they left the control of the Reichwehr with their worst enemies, the reactionary Junkers, and granted economic privileges to the bankrupt estates of these same Junkers in eastern Prussia, as if they could not see that they were digging their own graves.

To sum up, the rise of fascism in Italy and in Germany was made possible by the conjuncture of four pre-conditions:

1. A pauperized middle class, whose discontent is capitalized by the leaders of industry and finance and by parliamentary bourgeois governments in order to build up a defense against communism.
2. A threatening proletarian revolution which frightens people with property even among the pauperized middle class.
3. A lack of strong leadership among the radical elements, to be contrasted with the emergence of strong leaders in the fascist movement.
4. An advanced impotence, on the part of the or-

dinary machinery of government, both to maintain order and to solve economic difficulties.

Although history does not always repeat itself, it would be disturbing if an analysis of the present situation in France were to reveal a conjuncture of the same, or at least some of the same, factors which conditioned the rise of fascism among her two eastern neighbors. It would be all the more disquieting because, for the past eighteen months, there has been growing talk about the failure of parliamentarism and the need for a stronger government.

The first factor of fascism in France is to be found in the existence of a large middle class. If fascism can be considered a middle-class movement, France, which of all European countries has the largest middle class, should be an especially fertile ground for fascism.

The French middle class constitutes the very backbone of the nation. It consists of one million civil servants and a great many small business men, of artisans, whose great numbers are to be accounted for by the comparative unimportance of great industry. To all these *petit bourgeois* one must also add several millions of well-to-do peasants who own their land and are one of the most conservative elements in the country. Nowhere else, would it seem, are circumstances more favorable for the organization of a middle-class dictatorship in opposition to both the working class and big finance.

Yet this French middle class finds itself in a very different economic position from the middle class in either Germany or Italy. In France, the concentration of capital in a few hands has not gone as far as in Germany. The cause as well as the result of this

situation has been that France has not suffered from such an overdevelopment of industry as has Germany. Since 1930 the problem of industrial overproduction has not reached an acute stage, first, because French industries had not overexpanded and, second, because a less monopolistic form of capitalism means at the same time a more even distribution of wealth and consequently a purchasing power for consumers' goods which has never fallen much below the country's capacity for producing such goods. Yet France is suffering badly from the depression because of a two-thirds shrinkage in her export trade and tourist business. Being a much more self-contained land than Germany, France, however, has not felt the loss of her foreign markets to the same extent as Germany. As a result the French middle class of small business men and white-collar employees has not been very hard hit. The banking structure has resisted admirably. Unemployment, especially among the middle class, has not been large.

On the other hand, during and immediately after the war while the industrialists made easy fortunes and the workers earned large wages, the urban middle class lost four fifths of its savings through inflation as well as billions of francs invested before the war in countries like Russia and Turkey. The *rentier* class as a whole has quickly recovered, however, in the prosperity years which lasted in France almost through 1931. Yet it has maintained, ever since, the complex that it always is the sacrificed class. It has remained nervous over the possibility of new currency manipulations. Serious disturbances might occur and give momentum to the fascist tendencies of some factions, if a new inflation were embarked upon. Although such inflation is strongly advocated

by various economists and statesmen on the ground that it is France's only way to regain some of her export trade and tourist business, all recent French governments have made repeated assurances that a new devaluation of the franc would be avoided at any cost. With an eighty per cent gold backing for her currency France finds herself in a position to remain a long time, if not permanently, on the gold standard. The economic consequences of such a policy may prove dangerous, yet the Government's strong stand in this respect shows that the political aspect of the problem is paramount and reflects a significant respect for the middle class.

It was previously pointed out that countless well-to-do peasants ought to be included in France's middle class. Whereas Italy's agricultural proletariat was one of the factors of the swing to the left which took place in the peninsula after the war, France's peasantry of landowners has always stood for the maintenance of private property, an attitude which is inconsistent with the doctrines held by the parties of the left. A much more fertile and less densely populated land than either Italy or Germany, France has had, since the days of the French Revolution, a large class of prosperous farmers which constitutes the conservative backbone of the nation. These farmers enriched themselves during and after the war when the price of food products climbed to unbelievable heights. They took advantage of the financial difficulties of the urban middle class to round up their farms by buying land still held by many bourgeois families. The taxes imposed upon them remained ridiculously small, as a recognition of their political importance in the country. Their products were protected by tariff walls which until 1933 kept

the price of the basic French agricultural products three times higher than world market prices. Surplus crops in 1932 and 1933 finally made ineffective the artificial protection afforded by the tariff. Prices of basic agricultural products dropped, but Parliament rushed to the rescue of the farmers by fixing the price of wheat above the market price. Such a measure did not prove sufficient to prevent a substantial decline in agricultural prices. Yet, with the traditional homestead type of farming which still prevails in France, the peasants do not know distress, especially as their farms are not heavily mortgaged. Under such conditions it is hardly to be expected that this large rural bourgeoisie could easily be swayed to extreme radicalism. It would be even more unlikely for the peasants to turn fascist unless there were a direct threat on the part of the urban proletariat to seize the land. This the communist and socialist leaders will avert, at least in the first stage of a proletarian revolution, just as the Russian communist party waited ten years before it felt strong enough to collectivize the farms.

At this juncture it seems difficult to speak of a pauperized French middle class. Although economic conditions in France have not improved, as they did in 1934 in Great Britain or even in the United States, the French urban and rural middle class stand their ground with amazing endurance. Inflation alone could shake their resistance, but until this policy is once more resorted to it seems that the pauperization of the middle class cannot be counted among the factors of fascism in France.

If economic distress alone has not gone deeply enough to stir the French middle class to violence

nothing could rouse its latent conservatism better than a threatening swing to the left. But this second factor of fascism seems to be equally lacking in France. The war greatly improved the welfare of the French working class. While the peasantry and urban bourgeoisie sustained staggering losses in the four-year struggle, a considerable number of industrial workers and transportation employees were kept in the rear or withdrawn from the battle line as skilled laborers much needed for the operation of the war industries. Instead of risking a horrible death for a pay of one cent a day they received substantial wages which enabled them, to quote an outraged bourgeois housewife, "to buy all the poultry on the Saturday morning market." After the war, their powerful syndicates enabled them to maintain this advantage, especially as the demand for labor in the devastated areas and the mass slaughter of men in the four-year battle led to the importing of hundreds of thousands of unskilled foreign workers while the French filled the best-paid places. When the depression began to be felt these foreign workers were progressively sent home, as they had not been let in as regular immigrants but under temporary contracts of employment which were not renewed when the economic activity of the country began to slacken. More places were thereby made available for the native workers. Moreover, the very fact that France did not suffer from the depression as much as other capitalist countries has meant that unemployment in France has never reached the five hundred thousand figure. Part-time employment, however, has affected a great number of workers, but much help has been provided them by peasant relatives in this still predominantly rural land. A signifi-



cant fact is that no more than ten communists were elected to the Chamber of Deputies in May 1932, out of a total membership of more than six hundred deputies. The socialists, it is true, won one hundred and thirty seats, but French socialists, up to this last summer at least, have not advocated a violent left revolution.

Yet, as previously indicated, there unquestionably is in France a swing to the left, which, however slow, is progressing steadily and which, by the way of reaction, swells the ranks of the fascists. The outcome of the three-cornered battle—democracy, fascism, communism—will depend to a great extent upon a question of leadership.

Since the war the French socialist party (*Section Française de l'Internationale Ouvrière*, commonly known as S. F. I. O.) has shown, like the Italian socialist party and the German social-democrats, a complete inability to take advantage of the post-war economic difficulties and to rally around the socialist flag all the discontented elements of the middle class. Apparently imbued with the Marxian belief in historical materialism, the socialist leader Léon Blum and his followers are doctrinaires who believe in the inevitability of the Old World's becoming socialist. Strong with this theoretical faith, they have waited for the prophesied outcome, but have refused to do anything toward this goal, except for some speeches and newspaper articles. The sanctity of their doctrine would make it sacrilegious for them to accept the idea of coöperation with such bourgeois governments as even the recent radical-socialist Cabinets. It has been their constant policy to refuse to share in the responsibilities of government and to assume a strictly negative attitude of

obstruction in Parliament. The socialist group of the Chamber of Deputies may be said to have done more than any other single political group toward unstabilizing French Cabinets, especially in the periods 1924-1926 and 1932-1934. This destructive attitude has discouraged many *petit bourgeois* and peasants, who might have been tempted to join the socialist ranks, but preferred to give allegiance to a more constructive, if even a reactionary, political creed.

As a result, individual socialists like Paul Boncour had already resigned from the party in order to assume a Cabinet post. Finally a very serious conflict developed within the ranks of the socialist party, which led to a split and the organization of the neo-socialist group which became later the *Groupe socialiste de France*.<sup>4</sup>

It was previously shown<sup>5</sup> that, as the name indicates, "this new party is a blend of the socialist doctrine and of the nationalist faith. Like Mussolini and Hitler its leaders are socialists who have embraced the cause of nationalism. These so-called socialists of France seem indeed to belong to the same school as the National-Socialists of Germany. They appear as the up-holders of the true fascist doctrine. They are socialists in the sense that they are adverse to capitalism but they are equally hostile to communism, especially in its international aspect. They are realists who know that pure socialism cannot easily succeed in France. They still advocate state control of key industries as a move against capitalism, but they accept the principle of private property and, taking account of the trend of world

<sup>4</sup> For the history of this episode, see above, p. 484-485.

<sup>5</sup> See above, p. 485.

affairs, they have turned to a more nationalistic attitude."

Although the neo-socialist movement has not assumed as yet great magnitude, he who remembers the modest beginnings of the Italian Fascists and of the German Nazis knows how difficult it is to forecast the potentialities of a newly born political party. But so far these French National-Socialists have not been more active than the more orthodox socialists. A year ago, some people muttered mysteriously the name of Marcel Déat, who is the mouthpiece and the theorist of the neo-socialists, as a possible Man of Destiny. Déat is a fine speaker and his brilliant record during the war was mentioned as an evidence of his personal courage and capacity for leadership. But after a year the new party seems to have made little progress. However small, it lacks homogeneity and already shows signs of decay. One of its leaders, Marquet,<sup>6</sup> the active mayor of Bordeaux, who was holding a cabinet post in the Doumergue truce ministry, resigned from the party because of disagreements over governmental policies. Another of its leaders, Renaudel, is adverse to any sort of nationalism and remains closely linked to the orthodox socialists. Under such conditions the so-called fascism of the left does not seem very threatening.

But there is also in France a so-called fascism of the right. It is represented by such organizations as the *Action Française*, the *Croix de Feu*, the *Françistes* and the *Jeunesses Patriotes*. Only the two first groups have enough importance to make their study a worth-while task.

The *Action Française* was organized nearly thirty years ago as a nationalist group. Later on it was

<sup>6</sup>Marquet has also been slated at times as a possible dictator.

merged with the royalist party, when its leaders felt that a nationalist policy could best be carried out by a monarchy and that no better monarch could be found than "the heir of the forty kings who, in one thousand years, made France." As a result the royalist slant has progressively overshadowed the original nationalist aims of the *Action Française*. There is, without doubt, a certain glamour attached to the long monarchic tradition of France, a glamour which has a special appeal for many university students. But however interesting the *Action Française* philosophy is, the royalists in France remain a very small minority. The leaders of the party, Léon Daudet and Charles Maurras, have brilliant minds; but their political ability does not match their literary talent. The royalist pretender and his family deserve the respect of all French republicans for their unfailing love for a country which keeps them in exile. But the French peasants and workers have not forgotten the abuses of the *Ancien Régime*. Even the Catholic Church has turned against the *Action Française* and few royalists are hopeful of a monarchic restoration.

The *Croix de Feu* is an organization of war veterans whose war record was particularly brilliant. At first, a small group without political significance, it has grown into a larger and more politically minded organization, by extending the right to membership to the relatives of war veterans, even to the women. The political unrest of this last year has swollen the ranks of the *Croix de Feu* to several hundred thousands. The *Croix de Feu* are strongly organized in semi-military formations. Although they do not wear shirts of any particular shade and do not use the

Roman salute, they are a well-disciplined body which might prove instrumental in bringing about a fascist *coup d'état*. The President of the *Croix de Feu*, Colonel de La Rocque,<sup>7</sup> enjoys great popularity with his followers and seems to have some real qualities of leadership. He had a very brilliant record as an army officer, both in Morocco and on the Western Front. He resigned his commission after the war to devote himself to the welfare of his former comrades at arms. He makes spirited speeches and seems to relish theatrical gestures. Even the recent death of his daughter was heralded as the martyrdom of a saint. But Colonel de La Rocque is working under several handicaps. On the one hand the unfortunate fact that his own brother is an aide of the Duke of Guise, the royalist pretender, arouses the suspicion of many good republicans. But above all La Rocque lacks a constructive program. He waxes eloquent in his attack of the French parliamentary system as if most Frenchmen were not willing to agree that some measure of reform has become necessary. But Colonel de La Rocque has only the vaguest suggestions to offer. The story goes of a lieutenant of La Rocque who was in charge of the *Croix de Feu* manifestation before the Elysée Palace on the sixth of February last. The war veterans broke through the police and at last La Rocque's man found himself in front of a defenseless presidential palace. Nothing prevented him from entering President Lebrun's office and from laying before him the "just claims" of the rioters. Yet he felt greatly embarrassed because *he had actually nothing to say to the President*. He was fortunately relieved of his mental conflict by the sudden

<sup>7</sup> Henry Malherle, *La Rocque, un chef, des actes, des idées*, Paris, 1934. Lt. Colonel de La Rocque, *Service public*, Paris, 1934.

arrival of a platoon of horse guards who forced him and his followers to a hasty retreat.

The lack of a constructive program is not necessarily a handicap to a well-disciplined group of revolutionaries who are determined to seize the power whatever they may ultimately do with it. But the *Croix de Feu* are not conspirators *à tout prix*. On the eighth of July they had been given permission to parade before the grave of the Unknown Soldier and to revive the eternal flame under the *Arc de Triomphe*. The government did not feel it could deny war veterans the privilege of such a manifestation, but it feared disturbances and summoned to Paris thousands of gendarmes and mobile guards from the provinces. Absolutely nothing happened. La Rocque's *mot d'ordre* was to be ready for any emergency but not to start any disturbance. Since it was not the troops which would be expected to start making trouble, all was bound to be peaceful. This was all for the best but it is to be wondered whether La Rocque really knows what he wants. It seems that he might be a good instrument in the hands of a determined group of fascists, but it does not seem that he would of himself make a *coup d'état*. As to the rank and file of the *Croix de Feu* it includes a majority of middle-class people who scorn the very thought of fascism and who admit frankly that, after all, the Third Republic has given the average man more liberty and material welfare than any previous régime. Some reforms are necessary. The Constitution which is now sixty years old should be revised. Higher ethics should be introduced in politics and restored in the Civil Service, but there is no thought as yet of a fascist dictatorship.

As previously suggested, there is no question either

of a military dictatorship. The French who are so readily accused of militarism have out-grown long ago their love for military glory. The prevalence of the *petit bourgeois* ideal is inconsistent with the false glamour of the battlefield. The French regard their army as a sad and costly necessity and they do not relish serving their term of compulsory military service. They have great respect for some of their army generals, especially Marshal Pétain, General Weygand, and General Gouraud, but they will not follow another Bonaparte or be stirred by another Boulanger. In fact the army in republican France lives a secluded, almost monastic life far removed from the battlefield of politics.

On this battlefield a man has emerged of late who may become some day a very important political figure. Bergery was a radical-socialist deputy who resigned after his party had pledged its support to the Doumergue Cabinet. At the elections held to fill his recent seat in the Chamber, and which were among the most riotous France ever saw, he was defeated by the pro-Doumergue candidate. He then turned to the left and was instrumental in bringing about an alliance between the communists and socialists known as the "Common Front." The avowed purpose of this alliance is to fight the growing menace of fascism. Bergery who enjoys much prestige with the proletariat since he has married the granddaughter of Karl Marx is an astute politician and has a commanding personality. But he does not seem to realize that the common front which he has organized against fascism might well defeat its own purpose by precipitating a swing to the left. The "common front" might frighten the middle class to the extent of becoming itself a factor of fascism. But this

danger seems chimerical as the rapprochement between the communists and socialists is far from being well cemented. The socialists turned further left with great reluctance and although the organization of the Doumergue Cabinet has officially broken the Cartel of the Left, two elections held last September in Dijon and in Blois, to fill seats in Parliament left vacant by the death of their holders, have shown that the socialists are ever ready at the polls to join their forces with the radical-socialists against the conservatives.

At this point it seems fair to say that none of the first three factors of fascism which were disentangled at the outset of this analysis, even the swing to the left, exist in France to any such extent as to make the rise of fascism likely, at least in the immediate future. Under such conditions the rioting and bloodshed of the sixth of February, the growing political unrest in the country and all the talk about the need of a thorough housecleaning can only be explained by the fourth factor of fascism: an advanced impotence on the part of the ordinary machinery of government to maintain order and to solve the present difficulties.

We are thus led to our final conclusion that the French parliamentary régime is its own worst enemy. The immense majority of the French people remain deeply attached to the democratic ideal. Although they realize and lament the defects of the French government machine, they would not change for a Hitler, a Stalin or a Mussolini.

Yet the clamor for a change is growing and will have to be heeded by those who rule the destinies of the country. Some adjustments are necessary to



instill a new life into the aging French republican structure. There is no need, though, for a complete overhauling. Even M. Doumergue's proposed constitutional amendment tending to facilitate the dissolution of the Chamber of Deputies should be discarded as dangerously reactionary. Where reforms are mostly needed is less in Parliament itself than in the administrative organization of the country. A measure of decentralization should be introduced. The present division of the territory into *départements* should give way to a division into broader administrative units patterned after the economic and geographical circumstances rather than some historical vestiges and political prejudices. The *arrondissements* should be done away with entirely, as they are not justified any more by the difficulty of communications. A greater measure of coördination and integration should be introduced in the administrative machine which suffers from its present division into water-tight compartments. More modern methods of management should also obtain in the bureaus. Most of all, the administrative personnel should be taught this sense of responsibility that syndicalism has progressively choked. The elimination of favoritism is desirable, but it ought not to be obtained at the expense of incompetence and inefficiency. The recent appointment of several men in their early thirties to some of the most prominent positions in the Ministry of Finance must be heralded as the promise of a drastic change.

As to Parliament itself it still represents the best protection that the average Frenchman can wish against every kind of tyranny. Its methods of work should be improved; the number of deputies should be reduced; but, most of all, the quality of the par-

liamentary personnel should be improved. Strangely enough, in this country where intelligence is so general, there is a dramatic scarcity of political leaders. Here the British educational system which emphasizes character training shows its superiority over those French schools which train young Frenchmen in the stifling atmosphere of a greenhouse. Many Frenchmen may brand the British as stupid, but political life at least seems to prove the superiority of English character over French intelligence. It must be remembered that Clémenceau and Poincaré managed to dominate a hostile parliament. Tardieu and Herriot are probably more intelligent than the Tiger of Vendée or the Lion of Lorraine, yet they will never rule as those two men did.

These same radical-socialists who, although they uphold the doctrine best suited to the majority of the French, have so contributed to the present discontent with the parliamentary system, should remember that the Jacobins, whose heirs they claim to be, believed in a strong government. It was a Jacobin dictatorship which saved the first French Republic in the dark hours of the Revolution. The Jacobins of to-day content themselves with the vain discussions of the *Commission de la réforme de l'état*.<sup>8</sup> What they need to organize is another *Committee of Public Safety*.

What is certain is that French democracy is not dying. The foes of democracy are too ready to forget that democracy bears in itself its own source of weakness. For democracy is a form of government which, being the emanation of the people, reflects the good and bad qualities of the people. To the ex-

<sup>8</sup> This committee was set up by Doumergue to study the reforms to be introduced into the French government.

tent to which the people are not perfect, democracy is bad. To condemn democracy, however, would mean giving up hope in human nature, in its fundamental goodness, or at least in its perfectability.

Rudyard Kipling relates his last interview with Clémenceau, shortly before the latter's death. No one would be better entitled than the Tiger to speak with bitterness of his fellow men, for no statesman was ever treated with greater ingratitude by those very men whose democratic ideals he had so well defended against complete destruction.

Kipling asked him: "And, now, Master, how do you think of men as you have dealt with them and they with you in all these years?"

The answer came slowly. "Yes. I have known men? . . . Yes. I have known them. . . . They are not so bad. . . . After all these years? . . . They are not so bad after all."<sup>9</sup>

<sup>9</sup> Rudyard Kipling, *Souvenirs of France*, London, 1933, p. 59.

# SWISS DEMOCRACY

## CHAPTER I

### THE GOVERNMENT OF SWITZERLAND

IN COMPARISON with England and France, Switzerland is a small country. Nevertheless it is the home of a form of democracy which has attracted world-wide attention. Having a population of about four million people Switzerland's resources are extremely limited. Vast mountainous areas render about a quarter of the territory unproductive, and fundamental raw materials, such as coal, iron and grain must be imported. To pay for such imports Switzerland has developed a number of export industries. It has in fact achieved a high degree of industrialization within recent years. By virtue of its water power and skilled workmanship it has been able to transform imported raw materials into finished products which find many purchasers in foreign countries. Thus it manufactures textiles, such as silk fabrics, silk ribbons, cotton cloth, woollens, embroideries, linen and lace, and also high-grade electrical apparatus and excellent watches. To-day about forty-six per cent of the working population is engaged in manufactures, or a total of 362,735 persons.<sup>1</sup> Democratic Switzerland has attempted to meet some of the problems created by industrialization through the enactment of advanced forms of social insurance.

About a quarter of the population still follows agricultural pursuits and there is a large number of

<sup>1</sup> Cf. "Switzerland," *The Index*, December, 1934.

small independent landowners. The country also derives an income from foreign investments and the tourist traffic. In 1929 there were nearly seventy-eight hundred hotels in the country, while during that year Switzerland received nearly 2,740,000 tourists, or sixty-five per cent of the total population. In economic policy Switzerland clung to the gold standard down to the present writing (January, 1935). In August, 1934, unemployment was 52,147, about half the number unemployed at the beginning of 1933.

Switzerland is of interest in the first place because it has demonstrated the possibility of close coöperation between people who at one time were independent of each other politically and who to-day are widely divided by language and religion. Secondly, Switzerland during the last century has succeeded in remaining aloof from the wars of Europe and in becoming a center of world activity by virtue of an internationally guaranteed neutrality. Thirdly, this little country has worked out a system of government which in certain respects combines the stability of the American system with the responsibility of the French and British systems. It is a government, moreover, under which the principles of direct democracy have been extensively applied. Switzerland, in fact, is the one state in Europe which has always been a republic.<sup>2</sup>

Of the four million inhabitants of Switzerland about 71 per cent speak the German language, 21 per cent French, about 6 per cent Italian, and little more than 1 per cent Romansch. In religion the

<sup>2</sup> Cf. W. E. Rappard, "Switzerland," *Government, Encyclopedia of Social Sciences*, Vol. VII, p. 56.

## THE GOVERNMENT OF SWITZERLAND 559

people are more evenly divided, about 57 per cent being Protestant, nearly 41 per cent Catholic, and 0.5 per cent Jews. In twelve of the twenty-two cantons Protestants are in the majority, in ten the Catholics. Despite this diversity of language and religion, the Swiss people are intensely nationalistic and live together more harmoniously perhaps than do the people in many nation states having a greater ethnic and religious unity.

### THE STRUGGLE FOR UNITY

The success of Switzerland in establishing a national unity despite these internal diversities has been the result of a long historic process, the major factor in which has probably been fear of subjection by outside foes. In the ninth century Switzerland became part of the German Empire, after long serving as a battleground for the Romans, Allemanians and Franks. The independent history of Switzerland began in 1291 when the three cantons of Uri, Schwyz and Unterwalden concluded a treaty establishing a Perpetual League for the purpose of preserving ancient liberties against the Hapsburgs. By 1513 thirteen cantons had entered the confederation thus established, and, after embarking on numerous wars of conquest as well as defense, Switzerland secured the recognition of its independence from the Holy Roman Empire in the Treaty of Westphalia of 1648. The relationships among the thirteen cantons were extremely complex, depending upon a large number of separate treaties. Moreover, alongside certain cantons existed a number of allied countries and subject territories.

Although the cantons proved unified enough to throw off outside control, they soon began

to quarrel among themselves. Between the sixteenth and eighteenth centuries internal dissensions caused Switzerland to enter a period of decline. Differences arose between the rural cantons which were governed by sovereign assemblies, the cities which possessed representative government, and those cantons which were pure oligarchies. The Perpetual League of 1291 had not established any machinery of government for the allied cantons but merely occasional general councils, or diets, of delegates from each canton.

Lacking any strong cohesive force the Perpetual League dissolved following the outbreak of the French Revolution.<sup>3</sup> Invading Switzerland, French armies induced the country to establish a republic upon the French model. In 1798 the loose form of confederation which had existed under the Perpetual League gave way to a highly centralized régime known as the Helvetic Republic. Under the Constitution of this republic, which had been drafted in Paris, Switzerland became a unitary state in which the cantons disappeared in favor of twenty-two administrative departments. The government was placed in the hands of a directory of five members elected by a newly established national legislature.

Aroused by French intervention and the requisitions of the French armies and disturbed by the suppression of the local cantons, the Swiss soon revolted against the new constitution. As a result Napoleon Bonaparte in the Act of Mediation of 1803 restored

<sup>3</sup> Robert C. Brooks, *Government and Politics of Switzerland*, 1918, p. 35ff. For a precise summary of Swiss constitutional history, and the French text of the Constitution of Switzerland and the cantons, cf. F. R. and P. Daresté, "Les Constitutions Modernes," 1929, Vol. II, p. 535. For an English text of the Swiss Constitution, cf. C. E. Martin, and W. H. George, "Representative Modern Constitutions," 1923, p. 36.

THE GOVERNMENT OF SWITZERLAND 561  
the cantonal constitutions but maintained the authority of the central government in certain matters of national concern.

With the overthrow of Napoleon, Switzerland experienced the reaction which now befell most of Europe. The twenty-two cantons which the Congress of Vienna recognized as now belonging to the Swiss federation adopted a federal pact of August, 1815, representing a compromise between the unitary and federal principles which had been struggling against each other since 1798. Although the new constitution did not establish any central authority as such, it did establish a diet containing a representative of each canton, voting on instructions. This diet was competent to declare war, make peace, name ambassadors and to levy troops in accordance with a system of cantonal contingents. It could also send national troops into any district threatened by disorder. The cantons, however, maintained their complete internal autonomy which many of them now used to restore aristocratic régimes. They could, moreover, conclude treaties provided they did not make alliances prejudicial to the confederation or to the rights of the other cantons.

Partly as a result of the liberal revolution of 1830 in France, a movement arose to revise the cantonal constitutions in Switzerland in the direction of a greater degree of democracy. In 1832 the diet appointed a commission to prepare or revise the federal pact. The question of revision, however, for the time being made little progress and the religious question created serious internal differences. In 1845 the seven Catholic cantons formed a separate league called the *Sonderbund*. The formation of this league led to a civil war which was suppressed within a



month. It was largely the influence of Lord Palmerston, however, which prevented Austria, France, and Russia from intervening on the side of the Sonderbund.

Influenced by these internal dissensions and motivated by the European liberal movement of 1848, the Swiss diet now approved a new constitution. Inspired to a certain extent by the example of the United States, the federal constitution of September 12, 1848, transformed Switzerland into a federal government. The twenty-two cantons, however, remained sovereign "so far as their sovereignty is not limited by the federal constitution." The federal government vested legislative power in a federal assembly, divided into two chambers, the Council of State equally representing the cantons, and the National Council representing the population. The executive power consists of a federal council of seven elected by the Assembly; the judicial power consists of the federal tribunal, which does not, however, have the power to declare laws unconstitutional. The federal government may exercise administrative authority directly over individuals in the spheres delegated to it by the Constitution. It guarantees the sovereignty of the territories of the canton and may intervene in cantonal affairs without awaiting a request from the canton authority in case of internal disturbance or threatened conflict between several cantons. This right the federal government has exercised about eleven times.\*

In 1872 the people rejected a proposal for a new constitution submitted by the Federal Assembly on the ground that it went too far in curtailing the rights of the cantons, particularly in regard to mili-

\* Brooks, cited, p. 57.

tary questions and control over civil and criminal law. The Federal Assembly thereupon drew up a new constitution which made certain concessions to the cantons but which nevertheless centralized control over military matters and gave the federal government the initiative in unifying certain matters of commercial law. This constitution was adopted in April by a vote of 340,000 and 14½ cantons, against 198,000 and 7½ cantons. Since then the federal constitution has been amended a number of times. These amendments have increased the direct participation of the people in the process of legislation, have still further centralized the powers of the confederation and finally have imposed upon the government new tasks in the realm of economic regulation and social insurance.<sup>4a</sup>

Although the powers of the federal government have steadily increased, the cantons still remain in control of such important matters as education, church organization, direct taxation, and judicial procedure.

Thus a period of nearly six centuries was necessary

<sup>4a</sup> In 1934 a complete revision of the federal constitution by popular initiative was requested for the first time in the history of the country. The demand for such revision arose from groups which believed in strengthening the powers of the cantons, in relation to the national government. Since the world-war the tendency of the federal government has been to retain the emergency powers exercised during the war; and by making use of emergency decrees, the federal government during the past few years prevented popular referenda which would have taken place had action been taken by regular law. Thus one check upon the federal government was removed; moreover, in Switzerland, there is no tribunal which may define the powers of the federal government. A second demand for constitutional revision came from those who believed in the principle of occupational representation and its evolution into the corporative state. Cf. Fritz Fleiner, "Ziele und Wege einer eidgenössischen Verfassungsrevision," address before General Assembly of the Zürcher Kantonalbank, June 22, 1934; also Chapuisat, "La Revision de la Constitution Federale," *Le Temps*, Nov. 28, 1934.

to bring about the unification of Switzerland. This result was finally obtained only after a long period of internal dissension as well as foreign aggression and by the final establishment of a form of government which respected local cantonal differences but which established a strong central government with actual powers of coercion over the cantons and individuals. These legal developments were in large part the reflection of a growing spirit of unity and tolerance on the part of the cantons and people for each other. The history of Switzerland may give some hope to those who believe in the possibility of international coöperation among widely divergent nation-states.

Today Swiss nationalism is preserved, not only by forms of government and orthodox political methods, but by what Professor Brooks calls "the manifold forms of symbolism—ceremonials, memorials, holidays, the use of flags and coats of arms, the wearing of old costumes, the cults of marksmanship, gymnastics, and singing; the cultivation of art, music, and the drama."<sup>5</sup> All these practices deepen the strength of tradition and devotion to locality.

The Swiss schools also make a fundamental contribution to civic training and life. According to the author above quoted, "They are pre-eminent along many lines, as follows: wide popular interest in and discussion regarding methods of civic training; the excellence of language teaching, nicely calculated as it is to overcome the pull of foreign sympathies; the direct practical value of many courses and many special commercial, industrial, agricultural, and home-economics schools; the capable interpre-

<sup>5</sup> Robert C. Brooks, *Civic Training in Switzerland, A Study of Democratic Life*, 1930, p. 427.

## THE GOVERNMENT OF SWITZERLAND 565

tation of the works of national authors; the high character of homeland lore and civics textbooks; the general practice of taking children of all ages on school excursions; most of all, and above all, the fine training, devoted spirit, political independence, and popular repute of school teachers." The result has been to give Switzerland a continuing sense of national unity and responsibility, and a high standard of political life.

### THE PRINCIPLE OF GUARANTEED NEUTRALITY

The unity of Switzerland has been maintained not only by the principle of federalism, but also by that of neutrality. During the Middle Ages Switzerland provided mercenary soldiers for many of the great powers of Europe. It is estimated that between 1704 and 1715 seven hundred thousand Swiss mercenary soldiers lost their lives in the service of France alone,<sup>6</sup> but the experience of Switzerland in being constantly involved in quarrels of greater powers demonstrated the wisdom of adopting a new policy. Although these efforts were doomed to disappointment during the French Revolution, the Congress of Vienna of 1815 drew up an engagement under which the great powers of Europe guaranteed the perpetual neutrality of Switzerland. To carry out this principle the Swiss Constitution of 1848 prohibited the making of new military "capitulations"; and after 1859 the practice of recruiting mercenary soldiers in Switzerland came to an end altogether. The enlistment of citizens on Swiss soil in any foreign unit except the Swiss Guards at the Vatican is prohibited. During the Franco-Prussian War of 1870

<sup>6</sup> Baker, *Modern Republic*, quoted by R. C. Brooks, *Government of Switzerland*, p. 31.

and the World War of 1914-18 Switzerland was scrupulously careful not to violate its obligation of neutrality. Largely because of its neutralized position Switzerland was chosen as the seat of the League of Nations and the International Labor Office. After an animated political discussion the Swiss people voted to join the League of Nations but on the understanding that in view of the neutralized status of Switzerland the government could not take part in any military action on behalf of the League or allow foreign troops to pass through its territory. In February, 1920, the League Council admitted Switzerland subject to these reservations.<sup>7</sup> In 1934 the Federal Council declined to grant the request of the Saar government that it authorize the enrollment of Swiss in a special police force to supervise the forthcoming plebiscite in the Saar. Although French newspapers criticized this decision as a violation of Switzerland's obligations to the League of Nations, the Swiss contended that this decision was a necessary corollary to the principle of neutrality.<sup>8</sup>

Swiss neutrality has been motivated by two major causes. The first is the desire to remain immune from foreign invasion, a danger which is particularly great because Switzerland controls many of the most strategic passes of Europe. The second reason has been the belief that any other policy would cause deep dissension among the different racial elements of the population. A Swiss rapprochement with Germany would alienate the French element; on the other hand, an alliance between Switzerland and

<sup>7</sup> *Official Journal*, League of Nations, March, 1920, p. 57.

<sup>8</sup> "La Suisse et l'affaire de la Saare," *Journal de Genève*, September 29, 1934.

## THE GOVERNMENT OF SWITZERLAND 567

France would alienate the German element. Neutrality has been, therefore, an essential safeguard of national unity. A Swiss intellectual has recently written, "The voluntary neutrality practiced by Switzerland is thus not only a form of its independence, but also essential to its system of equality. In this way only can there be an equilibrium of twenty-two sovereign states, three races and three or four linguistic communities. According to custom, each of these communities draws a part of its spiritual strength from the larger communities to which it is outwardly attached. Switzerland as a nation would perish if it could not refresh itself at the living sources of the great cultural traditions which its diverse races and languages represent. The French-Swiss mind looks primarily toward France, the Italian-Swiss toward Italy and the German-Swiss toward Germany. Each of them feels that in its Swiss association it represents its own cultural homeland, while neutrality, curbing and harmonizing excessive enthusiasms, becomes a form of tolerance and opens the way for the interpenetration of Switzerland's three minds and three cultures, which are otherwise perfectly independent."<sup>9</sup>

### THE SWISS MILITARY SYSTEM

Switzerland does not rely exclusively upon international guarantees for protection for it also maintains a unique type of military system. The constitution provides that every Swiss is bound to perform military service although the form of conscription differs from that of any other country in Europe.

<sup>9</sup> Alexis François, "Switzerland's Sane Nationalism," *Current History*, June, 1934.

Military instruction really begins in physical-training classes in the schools and it continues in rifle clubs and other activities. Full liability for military service begins at the age of twenty and continues until forty-eight. Until his thirty-second year the Swiss citizen belongs to first-line army, called the *Elite*. Between the thirty-third and fortieth year he forms part of the second-line troops, called the *Landwehr*. From the fortieth to forty-eighth year he forms part of the *Landstrum*, or troops used for lighter duties such as guarding lines of communication.<sup>10</sup>

The Swiss Army to-day consists of six divisions, three cavalry brigades, four mountain brigades, the air force and garrisons at the St. Gothard and St. Maurice forts. Including the *Landwehr* and *Landstrum* the army can mobilize about four hundred thousand men.

Unlike the ordinary service of conscription which provides for an initial period of service of at least one year, recruits for the Swiss army spend a period of training, ranging, until recently, between sixty-five and ninety-two days depending upon whether the service is infantry or cavalry. About twenty-five thousand recruits are annually called up for this period of first training. Thereafter these recruits are called back for repetition courses usually of thirteen days each. About one hundred fifty thousand men annually take part in these repetition training courses. After completing service with the colors recruits are allowed to keep their personal arms at home subject

<sup>10</sup> For a description of the Swiss army system, cf. *Armaments Year-Book, League of Nations*, 1934, p. 648; C. Egli, *L'Armée Suisse*, 1913, R. C. Brooks, *Government and Politics of Switzerland*, ch. II.

to periodic inspection by the government. Unlike the conscription system in France and elsewhere the Swiss system has no room for professional soldiers except for a corps of about three hundred instructors. The officers are chosen from the ranks of the civilian soldiers and are obliged to take supplementary courses of instruction. Many officers are business and professional men who follow the army as an avocation. Switzerland, in short, has a militia or citizen army which imposes a universal obligation upon all Swiss men but an obligation which is much less onerous than that in other countries. Lacking a professional military class, the Swiss army does not militarize the country to the same extent as conscription does elsewhere. The army does not have the tanks or larger guns found in other establishments—it exists purely for defensive purposes. The democratic nature of the régime is indicated by the fact that in time of peace the army has no commander in chief, but when a crisis arises the Federal Assembly appoints a commander general, while it is always competent to issue instructions to the army. Hitherto, the Swiss military system has proved highly efficient particularly because it emphasized marksmanship. In 1934 the military expenditures were estimated at 92,200,000 francs, which was twenty-one per cent of the total federal budget. So attractive has the Swiss system appeared to foreign observers that Jean Jaurès, the great Socialist leader, advocated its adoption in France before the World War,<sup>11</sup> and its adoption has been advocated in the United States.

In 1932 the Geneva Disarmament Conference

<sup>11</sup> Charles Rappoport, *Jean Jaurès*, 1925, 3d ed., ch. 4.



seriously considered a proposal for reorganizing all European armies upon the Swiss militia basis.<sup>12</sup>

During recent years, however, the Swiss military system has not escaped criticism. Many pacifists have opposed the principle of conscription.<sup>13</sup> Socialist deputies have voted against military credits on the ground that Switzerland was too small to offer any adequate military assistance and that it was best to maintain no army at all. Socialists have asserted that the officer class consist of only the well-to-do and that the army may be used as an instrument of oppressing the working class. The clash between the Swiss army and the Socialists in Geneva in November, 1932, is cited in support of this view.

On the other hand the growing mechanization of war and the new rôle played by aviation may lead to modifications in the Swiss system, which has specialized upon personal marksmanship. Swiss riflemen could be counted upon to guard the passes from invasions from mass armies of neighboring states, but can these citizen soldiers be similarly relied upon to meet the onslaughts of enemy tanks, poison gas and airplanes?

The advent of Hitlerism in Germany coupled with the failure of the Geneva disarmament conference increased apprehension in Switzerland. In

<sup>12</sup> The dangers of attempting to extend the Swiss system elsewhere are suggested by Professor Rappard: "Unless restrained by such a tradition [of conservative national democracy] the armed and trained masses which it [the Swiss army system] organizes and places under the command of officers drawn solely from their own ranks would constitute a permanent menace to the state. And unless disciplined and inspired by such a tradition the army would be a mere rabble unfit to face a technically superior force. . . ." *Encyclopædia of the Social Sciences*, Vol. VII, p. 57.

<sup>13</sup> "The Swiss Militia," *The War Resister*, Autumn, 1929, p. 7. Cf. Robert C. Brooks, *Civic Training in Switzerland*, 1930, p. 153.

the winter of 1933 the Federal Assembly extended the period of instruction in nearly every unit and appropriated eighty million francs to improve the army's artillery and air force. A fear of German invasion across the undefended Rhine bridges—a route which an army having the objective of Lyons (France) might take—led the Swiss parliament to pass a resolution urging the government to fortify the Rhine frontier. In the fall of 1934 an initiative petition was circulated in favor of legislation severely penalizing Communist propaganda in the army.<sup>14</sup> Among some Socialists a new attitude arose to the effect that the rise of Fascism should be combated by military means.

#### THE FORM OF GOVERNMENT

The powers of the federal government in Switzerland are considerably wider than are such powers in the United States.<sup>15</sup> Thus it may deal with matters of private law, education and commerce, whether inter- or intra-cantonal, and administer many state monopolies. It is not limited by a bill of rights in the Constitution, nor by a supreme court having power to declare laws unconstitutional. Nevertheless the liberties of the people are respected and the balance between the federal government and cantons is maintained by the representation of the cantons in the federal legislature, the processes of direct democracy such as the initiative and referendum, and the unique relationship which exists between the federal legislature and the executive.

<sup>14</sup> "Le renforcement de la defense nationale," *Journal de Genève*, October 6, 1934, and "Swiss Watch on Rhine," *The Times* (London), October 13, 1934.

<sup>15</sup> Cf. Brooks, *Government and Politics* cited, p. 60; also Fritz Fleiner, *Schweizerisches Bundesstaatsrecht*, 1923, pp. 36ff.

The Federal Assembly has two chambers, the first of which is the Council of State which consists of forty-four members containing two representatives from each canton and one from each half canton. The method of electing these representatives and fixing their term of office is left to the discretion of each canton. Likewise the salaries of the representatives are paid not by the federal government, but by the cantons. Nevertheless these councilors cannot be instructed by cantons how to vote.<sup>16</sup>

The other branch of the Assembly is the National Council. Before 1930 it consisted of representatives chosen by manhood suffrage on the basis of one member for each twenty thousand persons.<sup>17</sup> In 1930, however, the life of the House was extended from three to four years and the basis of representation was changed to one member for each twenty-two thousand people. As a result the size of the lower house was reduced from 198 representatives in 1920 to 187 distributed as follows:

<i>Canton</i>	<i>Number of Representatives</i>
Zurich.....	28
Berne.....	31
Lucerne.....	9
Uri.....	1
Schwyz.....	3
Unterwald—Upper and Inner.....	2
Glaris.....	2
Zoug.....	2
Freiburg.....	7
Soleure.....	7
Bale—town and country.....	11
Schaffhouse.....	2
Appenzell—Outer and Inner.....	3
St. Gall.....	13
Grisons.....	6

<sup>16</sup> Members of both chambers receive a stipend of forty Swiss francs a day.

<sup>17</sup> The agitation over woman suffrage is discussed by Brooks, *Civic Training in Switzerland*, p. 247.

## THE GOVERNMENT OF SWITZERLAND 573

Argovie.....	12
Thurgovie.....	6
Tessin.....	7
Waadt.....	15
Wallis.....	6
Neuenburg.....	6
Genf.....	8
<i>Total</i> .....	<hr/> 187

Although with few exceptions the powers of the two houses of the parliament are concurrent, in practice the National Council exercises most influence. Both houses meet in joint session to elect the federal council, the federal court and certain other officers, to exercise the pardoning power, and to decide conflicts between federal authorities. The executive cannot dissolve either body of parliament and a meeting of the two houses may be called into a special session at the request of one-fourth of the national Council or of five cantons or by a resolution of the executive.<sup>18</sup> Although the Federal Assembly occupies an exceptionally strong constitutional position, it is relatively weak in comparison with most foreign parliaments.<sup>19</sup> This is due in large part to the permanence of the executive branch of the government, which is relatively unaffected by party victories at the polls and in the Assembly. As a result the Federal Assembly lacks both executive ambition and executive experience. "As the Assembly usually includes no former members and but very few future members of the federal government, its function in fact often resembles that of an advisory rather than of a sovereign body. Government measures are seldom seriously amended and still

<sup>18</sup> Fritz Fleiner, *Schweizerisches Bundesstaatsrecht*, 1923. pp. 130ff.

<sup>19</sup> Rappard, "Legislative Assemblies," *Encyclopædia of the Social Sciences*, Vol. IX, p. 385.

more seldom rejected by the legislature, which in this respect has always shown itself far more docile politically than the people at the polls. The success of the referendum in Switzerland is both a cause and a consequence of this extreme parliamentary docility."<sup>20</sup>

Falling midway between the American presidential system and the parliamentary system of France and England, the executive authority of Switzerland rests neither in king, president or prime minister but in a Commission of seven men known as the *Bundesrat* or Federal Council located at the capital of Berne. This commission is chosen every four years by the Federal Assembly, that is, the joint session of the National Council and the Council of State. One of the members of this commission is annually elected by the Assembly to serve as chairman with the title of Federal President, while another is chosen as Vice-President.<sup>21</sup>

Although legally the president has no important powers he is usually an important party leader, and especially when he holds the portfolio of Foreign Affairs he may exercise considerable influence over general policy. Nevertheless it is true to say that the execution of the mandates of the Swiss Legislature are intrusted to a college of seven members equal to each other in importance. Although the term of these members is only for four years, in practice many of them hold office for long periods—terms as long as thirty-two years are on record.<sup>22</sup>

<sup>20</sup> Ibid.

<sup>21</sup> The Federal Assembly also appoints an official known as the Chancellor, a position of a certain magnificence. The Chancellor serves as the secretary of the commission and of the legislative branch of the government.

<sup>22</sup> Brooks, *Government and Politics*, p. 106.

## THE GOVERNMENT OF SWITZERLAND 575

Moreover, as a rule Federal Councilors have served a long apprenticeship as members of the cantonal governments and also of the Federal Legislature. Each member is paid a salary of \$10,460 (32,000 Swiss francs) a year while the president receives \$11,438 (35,000 Swiss francs). Each councilor is also chief of an administrative department of which there are seven, (1) foreign affairs, (2) interior, (3) justice and police, (4) military, (5) finance and customs, (6) agriculture, commerce and industry, (7) posts and railways. Although in France the President of the Republic stands behind the Cabinet, and although in England the Monarchy stands behind the Prime Minister, the Swiss Federal Council stands upon its own feet relying upon no superior authority for continuity. The constitution gives the Federal Council wide executive powers including the supervision of the action of cantonal governments and carrying out federal legislation. The Council does not rest upon any party majority in the legislature nor does it resign or attempt to dissolve the legislature when the Federal Assembly decides against it. Although the Radical Democratic party constitutes the largest group in the National Council, the Federal Council consists of four Radical Democratic councilors, two Catholic Conservatives, and one representative of the Farmers', Workers' and Middle Class party. The Federal Council, however, does not have the independence of the legislative body which is enjoyed, for example, by the President of the United States. It must make detailed reports to the Federal Assembly and this body frequently issues instructions which the Federal Council must follow. At times this is done by pass-

ing a motion called the "postulate." If the postulate does not procure the desired result, the Federal Assembly may enact a federal resolution which is binding upon the executive. While the Legislature thus is the final source of authority, the Federal Council does not resign when it is overruled by the legislative body. Nor does the legislative branch attempt to dismiss the Executive Council. If the Council proposes a measure or follows a policy which the Assembly opposes the Council modifies its judgment to meet the desires of the legislative body but continues to carry on the administration in accordance with the legislative will.

As in other successful democracies, the administration of the government depends largely upon a permanent and honest civil service—little influenced by party politics.<sup>23</sup> The Swiss bureaucracy assists in the drafting of legislation, and enjoys the functions of making ordinances.<sup>24</sup> A law of 1928 established an administrative tribunal to hear complaints against the exercise of this ordinance power. The number of persons in the federal service increased from nearly 62,000 in 1910 to 74,398 in 1920. By the end of 1929 the number had been reduced to 64,300.<sup>25</sup> Nearly eighty per cent of this number, however, have been engaged in the so-called traffic services—the rail-

<sup>23</sup> Cf. however, Viscount Bryce, *Modern Democracies*, Vol. I, p. 368.

<sup>24</sup> At the outbreak of the World War the Swiss Federal Council was granted emergency powers to maintain the integrity and security of Switzerland, even to the extent of altering the Constitution. (Act of August 3, 1914). Esmein states that such an act was unconstitutional. H. Esmein, *Droit Constitutionnel*, 7th ed., 1921, p. 92, fn. 1.

<sup>25</sup> Carl J. Friedrich and Taylor Cole, *Responsible Bureaucracy, A Study of the Swiss Civil Service*, Harvard University Press, 1932, p. 38.

## THE GOVERNMENT OF SWITZERLAND 577

roads, telegraph and telephone. In 1920 about two thousand more public officials were employed by the cantons and municipalities than by the Confederation, the total in both categories being 153,329 or 8.3 per cent of the whole number of persons gainfully employed. About 36 per cent of the canton and municipal officials are engaged in educational activities.

Within recent years Swiss officials have been influenced by the doctrines of trade unionism, and in November, 1918, a majority of the railroad workers and 1346 postal employees participated in a general strike called by the Federation of Trade Unions and the Swiss Socialist party. As a result, the Federal Council issued an ordinance on November 11, which placed all civil servants under military laws and declared that the participation of government officials in a strike was a crime.<sup>26</sup> This conflict between the superior functionary who regards a strike as an attack on the integrity of the government and the subordinate who regards a strike as a legitimate means of redressing grievances does not seem to be solved in Switzerland any more than in other democratic countries.

### POLITICAL PARTIES

Switzerland disproves the contention that a democratic government cannot work efficiently except upon the basis of a majority and minority party. For a number of years six or seven parties have been represented in the Council of State and the National Council. The situation in 1934 was as follows:<sup>27</sup>

<sup>26</sup> *Ibid.*, p. 80.

<sup>27</sup> *Political Handbook of the World*, 1934, p. 178.



## SWITZERLAND

## COUNCIL OF STATE

<i>Parties</i>	<i>Representation</i>
Catholic Conservatives.....	19
Radical Democratic.....	18
Farmers, Workers, and Middle Class.....	3
Liberal Democratic.....	2
Social Democratic.....	1
Social Political.....	1
<i>Total</i> .....	<u>44</u>

## NATIONAL COUNCIL

<i>Parties</i>	<i>Representation</i>
Radical Democratic.....	52
Social Democratic.....	49
Catholic Conservative.....	44
Farmers, Workers and Middle Class.....	30
Liberal Democratic.....	6
Communist.....	3
Social Political.....	2
Minor Groups.....	1
<i>Total</i> .....	<u>187</u>

The Constitution of 1848 was largely the work of the Liberal party which was anti-clerical in philosophy and which favored the extension of the powers of the Federal government. A division soon arose in the party, however, over the social question.<sup>28</sup> The more radical elements organized what is called the Radical Democratic party, which has continued to be the strongest party in the country, being supported by the middle class. Its position has been sharply challenged by the rise of the Social Democratic party which has a trade-union basis and belongs to the Second International. The Catholic Conservatives, as their name represents, have been clerical in tendency while opposing direct taxation and centralization. One faction, however, tends toward Christian Socialism. The fourth largest group in the National Council is the Farmers', Workers'

<sup>28</sup> Cf. R. C. Brooks, *Civic Training in Switzerland*, Chs. 3 and 4.

and Middle Class party which seceded from the Radical Democratic party in 1919. More conservative than its parent, it believes in tariffs protecting agriculture and industry, agricultural reform and strong national defense. Within recent years the growth of class tension has tended to upset the traditional policies of tolerance and compromise of the Swiss people. In November, 1932, the nationalist group held a mock trial of Socialist leaders which led to rioting. The Swiss militia intervened and in the fighting which took place twelve people were killed and more than fifty wounded. The courts sentenced to prison Léon Nicole, editor of the Socialist newspaper *Le Travail*, on the ground that he was responsible by inciting the Socialists to violence. A year later the canton of Geneva returned M. Nicole and a Socialist majority, being the first canton in the entire confederation to do so.<sup>29</sup> Moreover, the Socialists also gained control of the city governments of Zurich and Lausanne. Their electoral successes created bitterness among the Conservatives and the rise of this class tension may have serious repercussions upon the commission form of government which functioned with such relative tranquillity in the past.<sup>30</sup> For their part Socialists complain bitterly against the enactment of legislation prohibiting propaganda in the army and punishing newspapers criticizing foreign governments on the ground that such measures are Fascist in character. Despite the fact that the Socialist party is the second largest in the National Council no

<sup>29</sup> "L'élection du Conseil d'Etat," *Journal de Genève*, November 27, 1933.

<sup>30</sup> For the conservative point of view toward the Geneva government, cf. "Pourquoi nous combattons le régime socialiste et ses projets fiscaux," *Journal de Genève*, Oct. 28, 1934.

member of the party has yet been elected to a position of commissioner on the Federal Council.

The rise of Fascism in leading European countries had its repercussions in Switzerland where national socialist organizations sprang into existence. A leading organization is the National Socialist Confederation. This group believes in maintaining the purity of Aryan blood and also wishes to return to the early language and writings of the Swiss cantons. Several other Fascist organizations exist, the importance of which is still indeterminate.<sup>31</sup> To combat Fascism a so-called *Kampfbund* composed of Socialists and left-wing Liberals has been organized. The Swiss Fascist movement does not seem, however, to have made many inroads upon the Swiss system of Democracy. In fact the rise of Socialism in Switzerland has been more striking than that of Fascism.

#### DIRECT DEMOCRACY

With the possible exception of the United States, Switzerland presents the best example in the world of the direct participation of the people in the government. The institutions of direct Democracy rest upon the ancient tradition of the *Landsgemeinde*, a body which is similar to the old town meeting in New England. In about six cantons this popular assembly still continues to determine cantonal destinies. Usually it meets on the last Sunday in April in the open air where public questions are discussed and acted upon with dignity and order. The *Landsgemeinde* has the power to revise the cantonal constitution, enact ordinary legislation, im-

<sup>31</sup> Cf. Emil Lengyel, "Diverse Fascist Groups at Work in Switzerland," *New York Times*, November 18, 1934.

pose taxes, and generally supervise the administrative work of the cantonal executive commission.<sup>32</sup> These popular assemblies, which are open to every cantonal citizen, continue to attract the respect and devotion of the people. Professor Brooks writes, "At the present time it is generally conceded that the *Landsgemeinde* will be perpetuated indefinitely in the six Democratic cantons of Switzerland as 'the most natural, most vital and most beautiful embodiment of Democracy.' It deserves to endure so long as the simplicity and nobility of that ideal have power to influence the world."

The initiative and referendum represent an effort to extend the idea of direct democracy from the *Landsgemeinde* to the Swiss nation as a whole. These institutions take various forms. Thus all amendments to the Constitution initiated by the Federal Assembly must be referred to the people—the obligatory referendum. Before they can be adopted they must secure a majority of the popular vote as well as a majority of the cantons. Between 1874 and the beginning of 1932 the Federal Assembly initiated forty-two partial revisions of the Constitution, thirty-three being accepted by the people and cantons and nine being rejected.<sup>33</sup> Since 1891 it has also been possible for fifty thousand voters to initiate a constitutional amendment. When this number of petitioners submit a draft to the Federal

<sup>32</sup> In the other cantons legislatures consist of representatives usually elected by the people, in some cases by proportional representation. These legislatures are unicameral in nature. An executive commission exists in each of the twenty-two cantons. Eleven cantons have adopted the obligatory referendum for all ordinary laws; with one exception all cantons have the initiative for ordinary legislation. Brooks, *Government and Politics*, ch. 14.

<sup>33</sup> Maurice Batelli, *Les Institutions de Democratie Directe en Droit Suisse et Compare Modern* (Paris, Sirey, 1933), p. 194ff. F. Fleiner, *Schweizerisches Bundesstaatsrecht*, p. 288ff.

Assembly this body may recommend its rejection or submit a counter-proposition to the people. In any case the initiative proposal must be submitted to the people.<sup>34</sup> Only a few attempts at amending the Constitution by means of initiative have been successful. Usually the people agree with the Assembly's judgment.

The referendum may similarly be invoked against ordinary acts of the Federal Assembly—if a petition of thirty thousand voters so requests within ninety days after the law is passed. In such a case the acceptance or rejection of the federal law depends upon a majority of the popular vote regardless of the cantons. Between 1874 and the beginning of 1932 the Federal Assembly adopted four hundred fifteen laws and federal decrees upon forty of which the referendum was asked; the people and cantons accepted fourteen of these laws or decrees, rejecting twenty-six; 90.4 per cent of the federal laws and decrees have entered into effect without a referendum being requested, 3.4 per cent were expressly accepted by the cantons and the people, and only 3.2 per cent have been rejected. In the Confederation the initiative is limited to constitutional amendments; in the cantons, however, it may be applied to ordinary cantonal legislation.

Contrary to predictions, popular participation in these instruments of government seems to have increased within recent years. Thus the proportion actually voting in referenda rose from 51.6 per cent between 1911 and 1920 to 60.7 per cent between 1921 and 1931.<sup>35</sup> Social and economic issues in particular

<sup>34</sup> Cf. chapter 3 of the Swiss Federal Constitution.

<sup>35</sup> Cf. Brooks, *Civic Training in Switzerland*, p. 114.

## THE GOVERNMENT OF SWITZERLAND 583

draw large votes. Thus in December, 1931, 78.1 per cent of the electorate came to the polls, a majority rejecting a law for state old-age insurance. In December, 1922, 86.3 per cent of the electorate participated in a vote on a socialist proposal for capital levy. Generally speaking the people have proved more conservative than their representatives in the Federal Assembly or the political parties. Thus in December, 1931, the people defeated the *Loi Schulthess* concerning old-age insurance, although it had been almost unanimously adopted by the Chamber. In December, 1926, the people similarly rejected a proposal for a government wheat monopoly, although it had been supported by nearly every party. In February 1923 the people rejected by the large majority of 414,305 to 93,892 a convention signed by the government relative to the free-zone dispute with France. This is the first time an international treaty had been referred to referendum, constitutional amendment authorizing such referendum having been adopted in 1921. While the people have approved many measures of social insurance and while they have not opposed the tendency toward federal centralization, they have demonstrated their belief in the virtues of private enterprise and individual liberty. Switzerland offers little hope to those who believe that Socialism can be peacefully inaugurated by the methods of direct democracy.

Compromise and tolerance are essential elements in the Swiss system of government. A people more given to absolutes or inclined to engage in extremist debates over abstract principles would find the Swiss system unworkable. The Swiss Constitution does not provide the dramatic clashes of parties and forces

common in other countries, nor does it give rise to any evangelical movements in favor of far-reaching reforms, but it does give the Swiss people a stable administration, accountable not only to the legislature but directly to the electorate.